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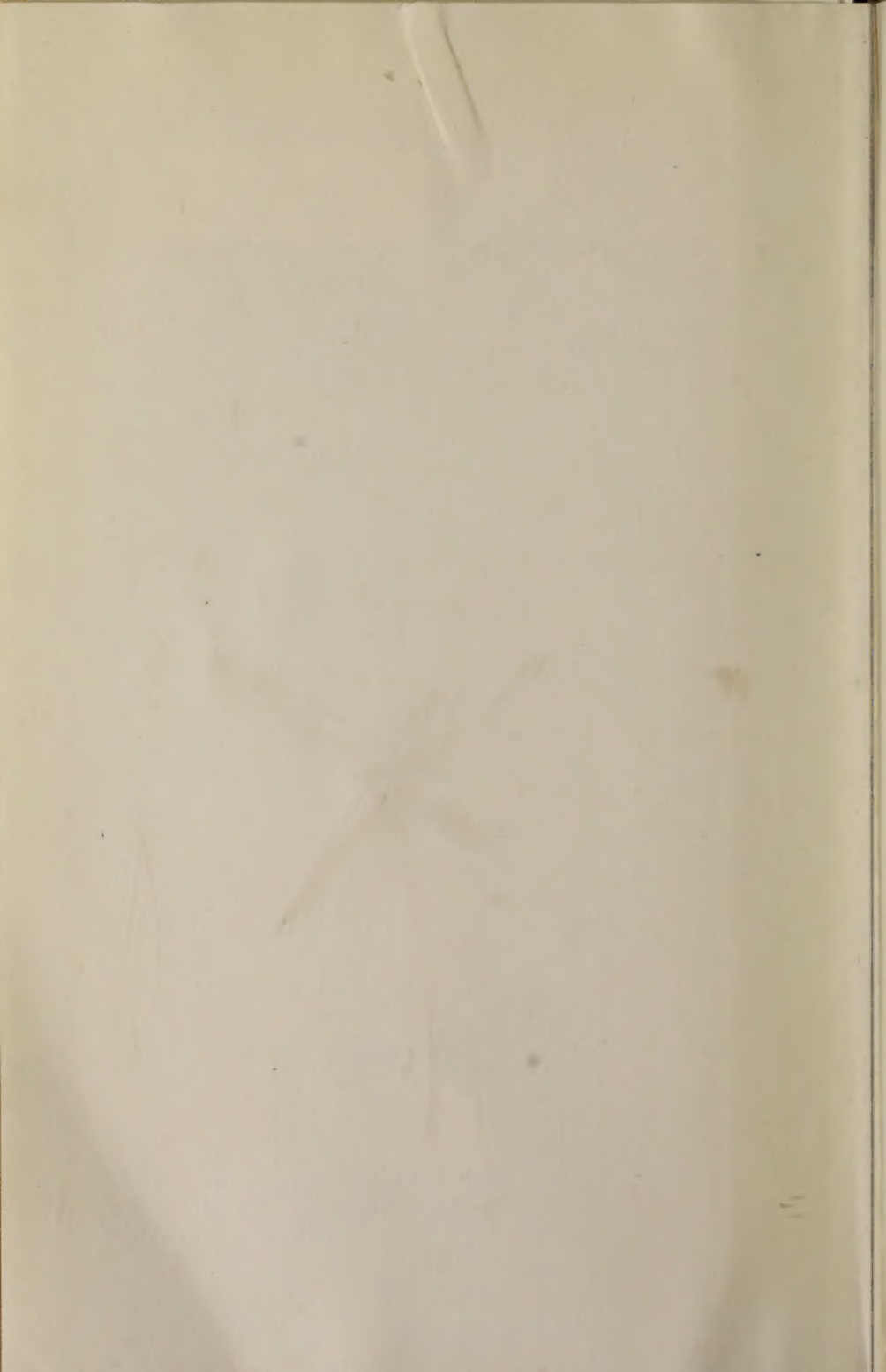


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Volume II

# JOURNAL OF THE SENATE

LEGISLATURE OF THE STATE OF CALIFORNIA

FIFTY-SIXTH SESSION

1945

First Part of Session, January Eighth to January Twenty-seventh, Inclusive  
Second Part of Session, March Fifth to June Sixteenth, Inclusive

LIEUTENANT GOVERNOR FREDERICK F. HOUSER, *President of Senate*

JOSEPH A. BEEK, *Secretary*



Volume II

# JOURNAL OF THE SENATE

LEGISLATURE OF THE STATE OF CALIFORNIA

FIFTY-SEVENTH SESSION

1901

First Part of Session January Eighth to January Twenty-second inclusive  
Second Part of Session March Fifth of First Session to March

January Twenty-second inclusive  
January Twenty-third to January Twenty-seventh inclusive





# VOLUME II

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**CALIFORNIA LEGISLATURE**  
FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SIXTIETH LEGISLATIVE DAY  
ONE HUNDRED SIXTEENTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO  
Thursday, May 3, 1945

The Senate met at 1.30 p.m.  
Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:  
Senator Burns, on motion of Senator Tenney, account of illness.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. James F. Churchill and Mr. Wesley Hall, of San Diego.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dean Armstrong, of St. Paul, Nebraska.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Houlihan and Joe Sharmer.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Albert Bossen and Mrs. John McGowen of Marysville, and the following students of Notre Dame High School, Marysville: Sara Jane Ries, Rosemary Arnoldy, Velma Jean Bossen, Gaye Bravos, Marjorie Simeroth, Barbara Hartley, Erma Tiner, Margaret Gilman, Anne Rowe, Peggy Hauss, Colleen Brown, Concha Ajuria, Marjorie Hall, Mary Jane Webdell, Gloria Rogers, Helen Hansen, and Teresa Dekins.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maud P. Danburg, of Mono Lake.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Al Harrison, of Colusa.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Colonel John C. Pettie, United States Army, stationed at Calcutta.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Alex F. Ross, of Jackson.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Cub Scouts Barry McMasters, Aaron Morrell, Donald Orsi, Leslie Seid, and Peter Rowland, accompanied by Mrs. Mary Rowland, all of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Regia Atwood and Miss Katherine McAndrews, of Stockton.

#### COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

STATE BOARD OF EQUALIZATION, STATE OF CALIFORNIA

SACRAMENTO 14, May 2, 1945

*Honorable Joseph A. Beck, Secretary of the Senate  
State Capitol, Sacramento, California*

RE: SENATE RESOLUTION No. 98

DEAR MR. BECK: This is in response to your letter of April 26 with which you transmitted a copy of the above-numbered resolution, pertaining to the effect of reductions in California taxes, adopted by the Senate upon motion of Senator Crittenden.

Inasmuch as this board administers the Sales and Use Tax Law, we assume that the Senate desires that we direct our answer specifically to the effect of a reduction of the rate of these taxes. What follows relates, accordingly, to this phase of the subject matter of the resolution.

Under present Federal income tax statutes California retail sales taxes may be deducted from gross income of individuals in the computation of their taxable net income. Obviously, the many taxpayers avail themselves of this deduction but it is difficult to ascertain the amount of sales tax payments thus utilized to effect reduction of Federal income tax liability. The Collector of Internal Revenue informs us that no statistics on the subject are available.

Apparently the extent to which sales or use tax reimbursement paid to vendors is thus applied to minimize Federal income taxes lies somewhere between 23 and 90 per cent of that portion of sales and use tax reimbursement paid by individual consumers and between 25 and 80 per cent of sales and use tax reimbursement paid by corporations. These percentage ranges result from the graduation in Federal income tax rate schedules for individuals and corporations, respectively. In those instances where the rates applicable to net income are relatively low, the saving resulting from claiming



deduction on account of State sales tax reimbursement would be relatively small but where the Federal rates are high the value to the taxpayer of the deduction for State tax payments would increase substantially.

It is difficult, therefore, to be specific in answering the question asked in Senate Resolution No. 98, viz., what percentage of the saving resulting to consumers in reduction of the sales and use tax rate will be offset by a corresponding increase in Federal income taxes resulting from the fact that the amount of sales tax payments available as a deduction from gross income in computing net income for Federal tax purposes will be lessened. Much will depend upon the circumstances applicable to the particular tax return. Moreover, the methods employed by the Federal Government in the computation of individual income tax obligations will also have a bearing on the extent to which a change in the rate of State sales and use taxes will be reflected in Federal tax payments.

Introduction of the "short form" return seems to have minimized the amount of State sales tax payments utilized for purposes of reducing the basis for Federal income taxes. There are no recent statistics showing the percentage of California taxpayers using this short form, but it appears likely that its use is quite prevalent. All taxpayers having annual incomes of \$5,000 or less may deduct amounts equivalent to 10 per cent of their incomes to cover, among other deductible items, State sales and use tax reimbursement in arriving at their taxable net incomes for Federal purposes. In California under our community property laws this means that a husband and wife having a combined income of \$10,000, by making separate returns, could deduct between them \$1,000 in the computation of their Federal tax base without any specification as to the amounts actually paid out by way of sales and use tax reimbursement. Such tax reimbursement is only one of the factors taken into account in the flat 10 per cent deduction and it seems unlikely that there would be any change in the percentage of this reduction even though the State sales and use tax rate might be lowered.

Because of the obvious difficulty of keeping an accurate record of sales and use tax reimbursement paid out during a year, Federal income tax payers have resorted frequently to estimates. The United States Treasury Department does not encourage this practice but there is some precedence for the allowance of approximately 1 per cent of individual income as a sales and use tax deduction. For example, it would be estimated that an individual earning \$3,000 had paid out \$30 during the course of the year as sales and use tax reimbursement and a deduction would be allowed, accordingly, in the computation of his Federal income tax. To what extent this practice might affect the results of a reduction in the rate of the State sales and use tax is difficult to say. Strict compliance with Federal statute would require the taxpayer to keep an accurate account of all sales and use tax reimbursement items for purposes of deduction unless in pursuance of the short form procedure he takes a flat 10 per cent deduction to cover a number of deductible items in which sales and use tax reimbursement would be only one factor.

It would appear unlikely that a large percentage of any reduction in the State sales and use tax rate would be reflected immediately in increased Federal income tax payments of individuals in California. This will be true, we believe, because of the three considerations that we have discussed, viz., (1) the general use of the short form Federal return by taxpayers having incomes of \$5,000 or less or married couples having combined incomes of \$10,000 or less; (2) the disinclination of many taxpayers to claim a specific deduction in the computation of their Federal taxes on account of State sales and use tax reimbursement because of the detailed record keeping involved and (3) the relatively small annual burden upon any individual Californian resulting from the amount of sales and use tax reimbursement passed on to him in connection with his retail purchases.

In contrast, corporate income tax payers would find their Federal income taxes increased much more sharply as a result of reductions in the rate of California sales and use taxes. The underlying reasons for this difference are (1) corporate income tax brackets, on the average, are much higher than those of individual taxpayers; (2) many corporations pay large amounts of sales and use tax reimbursements for supplies and equipment used in their businesses, keeping accurate account of this outlay as business expense obviously deductible in the computation of their Federal net income tax liability. Thus, not only is the amount deducted by the average corporation on account of State sales and use taxes much larger than the corresponding deduction made by the average individual, but the saving in Federal taxes is greater because of the higher rate applicable to the corporate income. Hence, any reduction in the amount paid out as a result of the State taxes would mean a substantial increase in the amount of Federal taxes, tending to offset to a large extent any ultimate gain to the corporation from the lower State tax rate.

Again it is difficult to be specific as to the effect of a downward revision of State sales and use taxes on the amount of Federal income taxes. We have already pointed out that the Federal tax on corporations ranges from 25 to 80 per cent of their net

income. Possibly 50 per cent is a fairly representative figure. If it is, approximately one-half of any savings that might otherwise result to corporations from a reduction in the rate of the State sales and use tax would be absorbed the following year by higher Federal income taxes.

Although we have available statistics disclosing the amount of sales and use taxes self-assessed by retailers classified according to the commodities sold, there is no way of determining precisely who bought these commodities. Thus, we can not inform you as to the extent to which sales and use tax reimbursement was passed on either to (1) individuals or (2) corporations. Nor can we inform you as to the extent to which this reimbursement was passed on to (1) individuals and corporations who were able to utilize reimbursement to reduce Federal tax payments substantially or (2) to individuals and corporations who were unable to make such use of the sales and use tax reimbursement. Consequently, no categorical answer to the question asked in Senate Resolution No. 98 is possible.

The attached table prepared by our Division of Research and Statistics with reference to sales taxable under the Retail Sales and Use Tax Law for the fiscal year ended June 30, 1944, will disclose these items according to commodity classification. Some interesting and informative deductions may be made from this table.

For example, it will be observed that 8.75 per cent of the total taxable sales were of industrial and transportation supplies and equipment. It is reasonable to assume that most of these sales were made to corporations paying substantial Federal income taxes in the computation of which the sales and use tax reimbursement would be a deduction. The same observation could be made with respect to automotive supplies and equipment inasmuch as individual purchases of such items have been reduced drastically under war conditions. These transactions accounted for 10.61 per cent of the sales tax yield. For similar reasons, sales of building materials and hardware, accounting for 8.09 per cent of the tax base, were probably made to corporate purchasers to a large extent.

Thus, from the sales of the three classifications of commodities mentioned, more than 27 per cent of the tax yield may be traced and it is reasonable to assume that most of this was passed on to corporations or individuals who would claim the full amount thereof as deductible business expense in the computation of their Federal income taxes. Probably at least half of any reduction in sales and use tax reimbursement would be absorbed immediately by higher income tax payments of these same corporations and individuals.

It will be further observed that the largest single category of taxable sales is "General Merchandise" representing 27.68 per cent of the total. As indicated by sub-classifications, this category covers a large number of items. Many of the sales are doubtless to individuals who pay relatively small Federal income taxes but there must be a substantial volume of transactions in this classification in which the purchasers are corporations or individuals enjoying large incomes and hence paying high Federal rates thereon.

Next in volume are sales of meals and drinks, representing 19.89 per cent of the total. These, it may be assumed, are to a large extent individual expenditures. Whether a reduction in the rate of sales tax would affect materially the outlay for such items is problematical. If the experience since July 1, 1943, when the rate of tax was lowered from 3 per cent to 2½ per cent, is to be taken as a guide, the conclusion might well be that no perceptible difference in individual expenditures is to be anticipated. This will mean, of course, that the Federal income tax payments of the individuals will not be affected materially. It may mean, however, that to the extent that the vendors' business expense is reduced through lower sales tax payments to the State, their Federal income tax base will be higher and the saving which they might otherwise have enjoyed from the rate reduction will be to a large extent absorbed by higher Federal taxes.

Finally, we should like to report that while precise data are unavailable it seems probable that those California consumers who will note any substantial diminution in their expenses by reason of a reduction in the rate of sales and use taxes will probably note a corresponding increase in the amount of Federal income taxes that they must pay, absorbing approximately half of the sales and use tax reduction. There will undoubtedly be individual instances when the resultant increase in Federal taxes will be more or less but after reviewing the entire situation as thoroughly as the time permits, we believe that the foregoing is a reasonably sound generalization. Accordingly, we submit this as our report to the Senate in response to its Resolution with the hope that the data may prove of some value to the Members of the Senate in their deliberations.

Respectfully yours,

DIXWELL L. PIERCE, Secretary

## California State Board of Equalization, Division of Research and Statistics

RETAIL SALES AND USE TAX TAXABLE SALES AND AMOUNT OF SELF-ASSESSED  
TAX BY COMMODITY—FISCAL YEAR ENDED JUNE 30, 1944

	Taxable Sales**	2½ Per cent Tax*	Per cent of Total	Per cent change from FY 43	
				Sales	Tax
General Merchandise .....	\$1,437,909,745	\$35,947,744	27.68	12.15	— 6.54
Clothing .....	477,187,526	11,929,688	9.19	16.24	— 3.13
General merchandise .....	600,046,613	15,001,166	11.55	10.98	— 7.51
Jewelry .....	92,844,187	2,321,104	1.79	17.60	— 2.04
Secondhand goods .....	34,811,128	870,278	.67	14.25	— 4.80
Shoes .....	86,119,801	2,152,996	1.66	— 2.37	—18.64
Variety store sales .....	102,542,881	2,563,572	1.97	4.94	—12.55
Sporting goods and amusements .....	11,438,764	285,968	.22	6.05	—11.62
Art goods and novelties .....	23,210,439	580,262	.45	41.66	18.05
Luggage and leather goods .....	9,703,406	242,710	.18	14.81	— 4.33
Household Furnishings and Supplies .....	528,088,159	13,202,204	10.17	7.71	—10.24
Household supplies .....	248,694,414	6,217,360	4.79	19.11	— .74
Home furnishings .....	252,874,350	6,321,859	4.87	—	—16.67
Radios, phonographs and musical instruments .....	26,519,395	662,985	.51	— 7.28	—22.73
Automotive Supplies and Equipment .....	551,408,436	13,785,210	10.61	21.71	1.42
Service station and auto supplies and equipment .....	300,068,749	7,501,718	5.77	21.56	1.30
Motor vehicles .....	251,339,687	6,283,492	4.84	21.88	1.57
Books, Stationery, Office Supplies and Equipment .....	160,081,461	4,002,037	3.08	16.91	— 2.57
Books and periodicals .....	16,325,588	408,140	.31	35.69	13.08
Office, school and store supplies and equipment .....	51,542,647	1,363,566	1.05	18.02	— 1.65
Stationery, printing and paper .....	89,213,226	2,230,331	1.72	13.39	— 5.51
Building Materials and Hardware .....	420,233,307	10,505,832	8.09	— 2.31	—18.59
Hardware .....	74,396,329	1,859,907	1.43	7.19	—10.67
Heating, plumbing and air conditioning .....	53,588,978	1,339,725	1.03	— 4.06	—20.05
Lumber and building materials .....	292,248,000	7,306,200	5.63	— 4.15	—20.13
Drugs, Tobaccos and Confectionery .....	367,937,083	9,198,427	7.08	26.69	5.58
Tobacco products .....	49,882,927	1,247,074	.96	23.60	3.00
Confectionery and soft drinks .....	39,748,343	993,708	.76	18.50	— 1.25
Drugs .....	278,305,813	6,957,645	5.36	28.54	7.11
Meals and Drinks .....	1,032,950,759	25,823,769	19.89	32.12	10.10
Meals and drinks .....	904,453,072	22,611,327	17.42	34.87	12.40
Package liquor .....	128,497,687	3,212,442	2.47	15.50	— 3.75
Farm and Garden Supplies and Equipment .....	169,863,879	2,746,584	2.12	24.57	3.71
Feed, seed, fertilizer and livestock .....	29,600,252	740,006	.57	36.98	14.15
Farm and dairy supplies and equipment .....	49,584,749	1,239,619	.96	16.87	— 2.53
Florists and nurseries .....	30,678,378	766,959	.59	26.82	5.68
Professional Service Supplies and Equipment .....	110,929,298	2,998,233	2.31	29.95	.77
Medical and health supplies and equipment .....	55,947,204	1,398,680	1.08	16.89	— 2.59
Personal service supplies and equipment .....	20,008,653	502,466	.39	18.16	— 1.53
Photographic supplies and equipment .....	29,654,283	741,358	.57	34.14	11.78
Undertakers supplies and equipment .....	14,229,158	355,729	.27	16.66	— 2.78
Industrial and Transportation Supplies and equipment .....	454,686,984	11,367,175	8.75	13.23	— 5.64
Industrial and construction supplies and equipment .....	259,035,958	6,475,899	4.98	2.33	—14.72
Oil well and refinery supplies and equipment .....	57,460,634	1,436,516	1.11	48.39	23.66
Power generation and transmission supplies and equipment .....	12,499,769	312,494	.24	—27.24	—39.37
Printing supplies and equipment .....	1,040,776	26,020	.02	4.49	—12.92
Railroad supplies and equipment .....	23,713,529	592,838	.46	41.24	17.70
Boats and marine supplies and equipment .....	11,100,317	277,508	.21	19.86	— .12
Commercial motion pictures supplies and equipment .....	13,577,399	339,434	.26	19.44	— .46
Fuel and ice .....	31,089,538	777,239	.60	21.22	1.02
Aircraft and aircraft supplies and equipment .....	45,169,064	1,129,227	.87	58.62	32.18
Unallocated .....	11,588,291	289,707	.22	—43.39	—52.83
Total Self Assessed .....	\$5,194,676,902	\$129,866,922	100.00	16.10	— 3.25
Board assessments through audit program .....		4,046,537			
Transfers resulting from gas tax refunds .....		427,686			
Total Revenue .....		\$134,341,145			

\* Reduced tax rate effective July 1, 1943.

\*\* Taxable sales made by taxpayers from 7/1/43 through 6/30/44 reported on tax returns received by the board from 8/1/43 through 7/31/44.

## STATE OF CALIFORNIA, DEPARTMENT OF FINANCE

SACRAMENTO, May 2, 1945

Honorable J. A. Beek, Secretary of the Senate  
State Capitol, Sacramento, California

DEAR MR. BEEK: Senate Resolution No. 98, by Senator Crittenden, requests the State Board of Equalization and the Department of Finance to submit data showing the amount of any reduction in California taxes that would be immediately taken up by an increase in Federal income taxes. In compliance with this request, I take pleasure in submitting the following statement:



Until recently it was true that payments to the State under several tax levies had a direct effect upon the amount of Federal income taxes paid by taxpayers, both individual and corporate. State taxes are deductible in computing the amount of Federal income taxes; hence, a decrease in State levies tended to increase the Federal tax base and the amount of Federal taxes, while an increase in State taxes resulted in lower Federal levies.

Recent amendments to the Federal income tax law have changed materially the effect of adjustments in State taxes upon the Federal income tax due from individuals, however. Since the inauguration of the so-called "short-form" (1040A) in 1942 and the withholding tax form (W2) in 1945, increases or decreases in State taxes do not affect the amount of Federal income tax paid by the majority of persons. Under these optional methods of filing, all deductions, including deductions for State and local taxes, are allowed in terms of a flat percentage of net income. In general, it can be said that single individuals with income of less than \$5,000 and married persons with community income of less than \$10,000 using the withholding or the short-form return would pay the same amount in Federal income taxes regardless of increases or decreases in any State tax. Thus, the great proportion of the people in the lower Federal income tax brackets who use the withholding or the short-form of return would enjoy the full benefit of any reduction in State taxes.

With respect to the relatively smaller number of persons using the long-form of Federal return and to corporations, it is still true that a decrease in State levies tends to increase the amount of Federal income tax. Hence, a part of the savings which would result from a reduction in the State taxes paid by these taxpayers would be taken up later by larger Federal taxes.

With the exception of the personal income tax, data are not available which would afford the basis for an accurate estimate of the effect of a change in State levies upon the amount of Federal income tax. The retail sales tax, for example, is paid by both individuals and corporations, but there is no precise information regarding either the relative proportions paid by each or the Federal income tax rates to which taxpayers in each group are subject. Again, it is pointed out that individuals filing the withholding or the short-form Federal return will realize the full benefit of any reduction in the State sales tax; those using the long-form will receive only partial benefit, since between 25 per cent and 80 per cent of any reduction in the State tax will be taken up the following year in the Federal income tax, depending upon Federal income tax rate applicable to the taxpayer. Between 25 per cent and 80 per cent of any reduction in the amount of sales tax paid by corporations will subsequently be taken up in larger Federal taxes. There is no means of arriving at an average for either group.

A reduction in the bank and corporation franchise tax, would be similar to that of a reduction in State sales tax upon corporations. A part of the saving in State taxes would be absorbed by the Federal Government in larger taxes, but the exact ratio would depend upon the Federal normal tax, surtax, and excess profits tax rates paid by the taxpayer.

The Franchise Tax Commissioner's Office has prepared data showing the effect of reductions in the State personal income tax upon the amounts of Federal income tax due from taxpayers in the various income brackets. The estimates show that continuation of the temporary exceptions and rates allowed in 1945 will result in a \$20,038,200 reduction in State revenue below the amount which would be received if the law were allowed to revert to the permanent basis. Of this total, \$7,942,650, or 39.6 per cent, will be later taken by the Federal Government and \$12,095,550, or 60.4 per cent, will accrue to the taxpayers. The data on savings in four principal income brackets are shown in the following table, which was transmitted by the commissioner's office to the Senate Committee on Revenue and Taxation:

**Personal Income Tax Estimate of Reduction in State Revenue Resulting from the Adoption of Various Proposed Amendments Based on 1943 Income**

(EXEMPTIONS \$2,500 AND \$1,000 AS UNDER ORIGINAL LAW; TOP RATE, 6 PER CENT)

Income Groups (000) (1)	Number of Taxpayers (2)	Estimated Reduction in Revenue (3)	Percent of Total Reduction (4)	Estimated Increase in Federal Tax (5)	Net Saving to Taxpayers (6)	Percentage Accruing to Federal Government (7)	Percentage Accruing to Taxpayers (8)
Continuing Temporary Rate Schedule and Exemptions (S. B. No. 9 and A. B. No. 272)							
			Per cent			Per cent	Per cent
Under 5 -----	\$1,337,000 (84.9%)	\$9,510,700	47.4	\$2,311,800	\$7,198,900	75.7	24.3
5-10 -----	167,350 (10.6%)	1,924,700	9.6	579,650	1,345,050	69.9	30.1
10-30 -----	81,600 (3.9%)	5,733,000	28.6	2,923,000	2,810,000	51.0	49.0
Over 30 -----	8,880 (.06%)	2,869,800	14.4	2,133,200	736,600	25.7	74.3
Totals -----	\$1,574,830	\$20,038,200	100.0	\$7,942,650	\$12,095,550	60.4	39.6

In this table, attention is called to the fact that California income taxpayers with less than \$5,000 annually will retain approximately 76 per cent of the reduction in State taxes, while in the highest bracket only 26 per cent will remain as a benefit to the taxpayer. This general principle would apply to any adjustment in the State tax. When reductions are made in the lower income brackets, a great proportion of the benefit inures to the taxpayer. As reductions are concentrated in the higher brackets, a greater proportion of the savings in State tax is absorbed in larger Federal taxes.

This material demonstrates the fact that while a majority of the citizens with net income of less than \$5,000 (single) or \$10,000 (community income of husband and wife) would receive full advantage of any reduction in State taxes, a reduction in the State sales, franchise, or personal income tax would not result in an equivalent net saving to all California taxpayers immediately. A part of the revenue lost to the State Government would go to the Federal Treasury. It should be pointed out, however, that the tremendous war expenditures will carry our National debt to more than \$300,000,000,000. The financial resources of this Country must be concentrated upon the liquidation of this debt, and every dollar of tax revenue unneeded by the State and local governments should be relinquished to the Federal Government. This is not only a duty, it is, as well, the most fundamental way by which our taxpayers may be freed from the heavy burden of Federal taxation. Every additional dollar paid to the Federal Government at this time will hasten the day when Federal taxes can be reduced. Thus, what appears to be a diversion of revenue from the State to the National Treasury will ultimately result in absolute tax reduction for the people of California.

Very truly yours,

JAMES S. DEAN, Director of Finance

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 495

Assembly Bill No. 496

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 814

Assembly Bill No. 815

Assembly Bill No. 1058

Assembly Bill No. 1060

Assembly Bill No. 1257

Assembly Bill No. 1532

Assembly Bill No. 2178

Assembly Bill No. 2168

Assembly Bill No. 2045

Assembly Bill No. 1723

Assembly Bill No. 1178

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 814**—An act to add Section 13843 to the Education Code, relating to the payment of salaries of employees of school districts.

Referred to Committee on Education.

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

Referred to Committee on Education.

**Assembly Bill No. 1058**—An act to add Sections 1603, 1604, and 1605 to the Education Code, relating to the transfer of territory from one school district to another school district.

Referred to Committee on Education.

**Assembly Bill No. 1060**—An act to add Sections 2456.1 and 3591.1 to the Education Code, and to amend Education Code Sections 3661.1 and 3671, relating to the formation of districts.

Referred to Committee on Education.

**Assembly Bill No. 1257**—An act to repeal Section 8003 of the Education Code, relating to types of public schools.

Referred to Committee on Education.

**Assembly Bill No. 1532**—An act to amend Sections 2, 9, 9.1, and 9.2 of, and to add Sections 6.1 and 6.2 to, the "Metropolitan Water District Act," approved May 10, 1927, relating to the definitions of certain terms, providing for the addition or inclusion of areas to or in metropolitan water districts and providing for the effect thereof, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts, county water districts, and county water authorities, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district, county water district, or county water authority, so included within any such metropolitan water district and providing the effects thereof, providing for the election to pay the taxes or a portion thereof levied by any such metropolitan water district out of the municipal funds of any municipality whose corporate area is comprised within an overlying municipal water district, municipal utility district, public utility district, county water district, or county water authority, whose corporate area is included within such metropolitan water district, providing for presentation of claims and demands against metropolitan water districts, and declaring the severability of the provisions of this act.

Referred to Committee on Local Government.

**Assembly Bill No. 2178**—An act to amend Section 4004.5 of the Political Code, relating to loans by counties to fire districts and park, recreation and parkway districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 2168**—An act to add Section 300 to the Education Code, relating to county boards of education.

Referred to Committee on Education.

**Assembly Bill No. 2045**—An act to repeal Sections 4010, 4011, 4151, 4152, 4153, 4155, 4156, 4157, 4158, 4160, 4161, and 4162 of, and to add Sections 4010, 4011, 4012.5, 4151, 4152, 4153, 4155, 4156, 4157, 4160, 4161, 4162, 4164, 4165, 4166, 4167, and 4168 to, the Public Resources Code, relating to forestry.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1723**—An act to add Section 7519 to the Business and Professions Code, relating to detectives.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1178**—An act to add Section 8002 to the Welfare and Institutions Code, relating to the administration of moneys received for the benefit of the Indians of this State.

Referred to Committee on Social Welfare.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 56**—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of April, 1945.

#### Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 56, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 56

**Assembly Concurrent Resolution No. 56**—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuehel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 337

Senate Bill No. 1273

Senate Bill No. 830

And reports the same correctly engrossed.

SEAWELL, Chairman



SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1219

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 677

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 99**—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 389**—An act to add a new section, to be numbered 1044, to the Agricultural Code, and to repeal Chapter 204, Statutes of 1927, relating to fertilizing materials and to rules and regulations therefor;

**Senate Bill No. 487**—An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, and to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof;

**Senate Bill No. 556**—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of May, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 407**—An act to add Section 1225 to the Government Code, relating to public office and employment;

And reports that the same has been correctly enrolled, and presented to the Governor on the third day of May, 1945, at 12 m.

SEAWELL, Chairman

#### Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 269

Assembly Bill No. 426

Senate Bill No. 270

Assembly Bill No. 1408

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1068

Senate Bill No. 1069

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1405  
 Assembly Bill No. 1406  
 Assembly Bill No. 1407  
 Assembly Bill No. 349  
 Assembly Bill No. 795  
 Assembly Bill No. 796  
 Assembly Bill No. 917

Assembly Bill No. 1319  
 Assembly Bill No. 1322  
 Assembly Bill No. 1327  
 Assembly Bill No. 1048  
 Assembly Bill No. 1486  
 Assembly Bill No. 919

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Military and Veterans Affairs

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 676

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

## Committee on Social Welfare

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 182  
 Assembly Bill No. 183  
 Assembly Bill No. 194

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 10; committee vote: Ayes 10.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 191

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 10.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 407  
 Assembly Bill No. 850  
 Assembly Bill No. 296

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1242

Assembly Bill No. 217

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1057

Assembly Bill No. 157

Assembly Bill No. 24

Assembly Bill No. 1177

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 68

Assembly Bill No. 523

Assembly Bill No. 942

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 291

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

## COMMUNICATIONS

The following communication was received and read, and on motion of Senator Tenney, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE

SACRAMENTO 14, May 3, 1945

Hon. Jack B. Tenney, Senate Chamber  
State Capitol, Sacramento, California

## RE ASSEMBLY BILL 1087

DEAR SENATOR TENNEY: I learned from the morning paper that a copy of a letter addressed to me by one Paul Sheedy and A. Beldon Gilbert was caused by you to be published in the Senate Journal yesterday. While these gentlemen have not done me the courtesy of sending me the original of the letter, I hasten to reply to it through the same medium and know that you will do me the courtesy of causing this reply to be printed in today's Journal.

The bill in question was drawn by my office at the request of the District Attorney of San Diego County and was introduced by Assemblyman Kraft. The need for the bill became apparent when it was discovered that ex-convicts were using simulated police badges to facilitate their operations in short-change and petty extortion rackets.

Last week a representative of my office appeared before the Assembly committee in the company of some Los Angeles peace officers who were also supporting the bill for reasons of good law enforcement.

The Assembly committee gave the bill a favorable recommendation, and I hope that when the bill comes to the Senate you will support it. I know that you will find the bill to be supported by practically all of the established law enforcement organizations in the State of California.

Mr. Sheedy's letter attempts to draw me into a discussion of political ideologies, but I do not think we should let a red herring be drawn across an honest effort of peace officers of this State to stop a badge racket. You know as I do that there is a good deal of truth in the old aphorism that patriotism is the last refuge of scoundrels.

It is quite true that I did have a telephone conversation with Mr. Sheedy Monday and that in the course of it I told him that if he and his associates were sincere in the advocacy of any cause, at least in America they would not need the assistance of Brown Shirts, Black Shirts, Klan night-shirts or fake police badges. I also told him that he was resorting to cheap demagoguery in order to cover up a fake badge racket and that I would support Assemblyman Kraft's bill to the extent of my ability.

Very truly yours,

• ROBERT W. KENNY, Attorney General

### RESOLUTIONS

The following resolution was offered:

By Senator Powers:

#### Senate Resolution No. 103

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week, beginning April 30, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

*Per day*

Willie Marie Hagan, Assistant Engrossing and Enrolling Clerk..... \$8 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—23.

NOES—None.

### PRINTING OF REPORT IN THE JOURNAL

Pursuant to the motion of Senator Donnelly, made on May 1, 1945, the following report of the Senate Fact-Finding Committee on Japanese Resettlement was ordered printed in the Journal of this date:

STATE CAPITOL, May 1, 1945

### REPORT OF THE SENATE FACT-FINDING COMMITTEE ON JAPANESE RESETTLEMENT

*To the President and Members of the Senate of the State of California:*

GENTLEMEN: The committee appointed under the authority of Senate Resolution No. 122, Session of 1943, to investigate the questions of Japanese resettlement involving the relocation of Japanese internees and evacuees conducted such investigations as directed.

The committee held hearings at Modesto, Turlock, Merced, Watsonville, Salinas, Madera, San Francisco, Los Angeles, Tulalake, and San Francisco. The committee investigated particularly violations of the Alien Land Law and problems related to its enforcement, Japanese language schools, fishing by Japanese in the coastal waters of California, and relocation of Japanese during and after the war. The committee also made some study, particularly from a legal point of view, on the question of dual citizenship. During the considerations of the committee a riot occurred in the Japanese Relocation Center at Tulalake, and an investigation of the riot was conducted at that location.



### Alien Land Law

#### *The Law Has Not Been Properly Enforced*

The committee finds that the Alien Land Law has not been properly enforced in California at any time since its adoption in 1913. There appear to be several reasons for this failure to enforce this law. The more important of these are as follows:

1. The Federal authorities since the beginning have not looked with favor upon the enforcement of the law just as they opposed its enactment in the beginning. The principal reason for this attitude appears to have been that expressed by William Jennings Bryan when, as Secretary of State, he came to California in opposition to the enactment of this law. He stated that the enactment of the law might turn a now friendly Nation into an unfriendly Nation. Undoubtedly the attitude of the Federal authorities on this matter has been an important influence. Since the unprovoked attack on the United States which occurred at Pearl Harbor, there will probably be no further resistance on the part of the Federal Government to enforcement of the Alien Land Law.

2. Another, and perhaps more important reason the law has not been properly enforced, has been that inadequate provision was made for its support. The responsibility for enforcement rests primarily upon the district attorneys. No direct provision was made for financing such prosecutions. Thus the district attorneys must secure the money from the county boards of supervisors. Even though an escheat results from the prosecution no part of the funds go to the county or are available to offset the cost the counties may have incurred.

3. Prosecutions of this type are extremely difficult and expensive. The principal reasons are—

(a) The information required is of such a nature that it is difficult to secure evidence to adequately support an escheat of property.

(b) Due to the very nature of the transaction all parties desire to withhold the facts from the prosecutor.

(c) Land titles themselves are an involved and intricate field of law and extensive researches are sometimes required to solve problems which appear simple.

4. Because of the amount of money involved and the magnitude of the operations of the Japanese they were able to employ the most competent of counsel to prepare their transactions with the greatest of care and to dispute actions taken to defeat their purpose, carrying any disputed question to the highest court.

5. There has been a decided apathy on the part of the public generally to enforcement of acts of this kind, and ample support has not been given to officials charged with the duty of enforcing this law.

#### *Investigation Since the Beginning of the War*

Beginning in February, 1944, the Attorney General started an investigation through the district attorneys of land occupancy by Japanese through the various counties. There was active cooperation from the district attorneys of about 40 counties. Upon receiving the various reports, the Japanese occupied property was plotted upon maps, and this significant fact became immediately evident, \* \* \* that the Japanese were settled at vital or strategic points; that almost every utility line, canal, or airport had one or more Japanese families immediately adjacent, while areas apparently as desirable for their purposes but not containing any strategic installations have often been entirely free from Japanese. There was no evidence to explain just why the Japanese settlements were so distributed. That can only be left to inference, but it does not seem possible that it could have been a mere coincidence that the Japanese were distributed in such a strategic manner.

#### *Escheat Proceedings*

In seven counties a limited amount of investigating work has been done and an appreciable number of proceedings have been filed. In the opinion of the Attorney General at least twice that number of counties would be very fertile fields for investigation of Alien Land Law violations.

Up to the end of 1944 the following escheat proceedings have been filed under the Alien Land Law:

#### FRESNO COUNTY

People vs. Shirakawa, et al., Sup. Ct. No. 66293  
People vs. Chiamori, et al., Sup. Ct. No. 66806

#### LOS ANGELES COUNTY

People vs. Yamaguchi, et al., Sup. Ct. No. 492458  
People vs. Mitsuuchi, et al., Sup. Ct. No. 496947  
People vs. Minami, et al., Sup. Ct. No. 497147

## MONTEREY COUNTY

People vs. Iketa, et al., Sup. Ct. No. 23921

## ORANGE COUNTY

People vs. Nitta, et al., Sup. Ct. No. 43170

People vs. Nitta, et al., Sup. Ct. No. 43171

People vs. Nitta, et al., Sup. Ct. No. 43172

## SAN DIEGO COUNTY

People vs. Iguchi, et al., Sup. Ct. No. 120062

People vs. Iguchi, et al., Sup. Ct. No. 120064

People vs. Iguchi, et al., Sup. Ct. No. 120065

People vs. Iguchi, et al., Sup. Ct. No. 120066

People vs. Saito, et al., Sup. Ct. No. 120683

People vs. Oyama, et al., Sup. Ct. No. 121200

People vs. Tanida, et al., Sup. Ct. No. 121323

People vs. Shinohara, et al., Sup. Ct. No. 122431

People vs. Yoshimura, et al., Sup. Ct. No. 120450

People vs. Masumoto, et al., Sup. Ct. No. 122527

## SAN JOAQUIN COUNTY

People vs. Watanabe, Assano, et al., Sup. Ct. No. 35267

People vs. Akita, et al., Sup. Ct. No. 35268

People vs. Hirota, et al., Sup. Ct. No. 35286

People vs. Watanabe, et al., Sup. Ct. No. 35327

## VENTURA COUNTY

People vs. Akitomo, et al., Sup. Ct. No. 27409

People vs. Toyohara, et al., Sup. Ct. No. 27498

Additional proceedings were also being filed in the Counties of Fresno, San Diego, and Ventura. In addition, investigations were being carried forward in the Counties of Contra Costa, Kings, Madera, Merced, San Luis Obispo, and Stanislaus, and there has been some activity in Santa Barbara County. In other counties, as for example, Riverside and Tulare, the district attorney states that they are without sufficient personnel to undertake the work.

*Cost of Alien Land Law Investigation*

It is the opinion of the Attorney General that approximately 15 competent investigators would be necessary to handle investigations of this type, and that the total cost of such investigations would be approximately \$90,000 annually. This figure includes only field work and does not include the cost of services of attorneys of the legal staff who would be required to be regularly assigned to prosecute these cases, nor does it include the cost of bringing the cases to trial nor the cost of the appeals which would undoubtedly be filed in many cases.

*Responsibility for Prosecution*

Under the present law the responsibility for prosecution rests with the district attorneys, and the costs of such prosecution are chargeable as county expenses. It is felt that the prosecutions could be handled much better if the general work of handling such prosecutions throughout the State were more centralized, permitting the use of more experienced personnel and taking advantage in each county of information gained from all others. It is not felt by the committee that the responsibility should be removed from the district attorneys, but it is felt that responsibility should be imposed upon the Attorney General to coordinate the work and give assistance to the counties; that a large part of the cost of investigation and preparation of cases should be chargeable to the office of the Attorney General; that the Attorney General's Office should aid the district attorneys in the actual trial of the cases.

*Apportionment of Escheated Assets*

The committee feels that the present provision of the law by which the responsibility and cost of prosecution of these cases must be borne by the county, but under which the money escheats to the State, should be changed. The committee recommends that the provision should be for the actual cost of investigation and prosecution in each case whether the costs were borne by the Attorney General or the district attorney, to be taken from any proceeds of the escheat proceedings, and that any excess thereafter should be divided equally between the State and the county in which the action was brought. Your committee has introduced Senate Bill 139 to accomplish this purpose.

Undoubtedly funds should be appropriated to finance prosecutions under the act. It is the understanding of the committee that a number of escheats have taken place under the cases recently filed amounting to many thousands of dollars. From this it is seen that any reasonably successful prosecution of evasions of the Alien Land Law should be more than financed by property which would be escheated to the State under the Alien Land Law.

#### *Procedure for Escheat Proceedings under Alien Land Law*

It appears that the present Alien Land Law should be amended in certain respects to clarify, simplify, or expedite procedure, but it is doubtful whether such proceedings could be made retroactive, and since practically all of the violations occurred years past not much could be accomplished in most cases by amendment of the law. It is the opinion of the committee that careful consideration should be given to these factors before acting on any proposed amendment to the law relating to procedure, and it appears desirable that the advice of the Attorney General should be sought. There is one provision, however, which it appears clearly should be modified. The Statute of Limitations, insofar as it relates to Land Law violations, should be amended to prevent the running of the Statute of Limitations in such cases. The committee has introduced Senate Bill No. 461 to accomplish this purpose.

#### **Japanese Language Schools**

In the opinion of your committee the Japanese Language Schools have been used very largely for propaganda in support of the Japanese Government. They are devoted to promoting militarism and emperor worship; to glorifying the Japanese system and belittling Democracy.

The committee feels that beyond any question these schools should be placed under further regulation. The act of 1943 does not provide sufficient funds to the Department of Education to make proper investigation. The committee feels that a small license fee, probably \$10 per year, should be collected, and that an adequate appropriation should be made to the State Department of Education to conduct the necessary investigation. This legislation should, of course, not affect colleges or other like institutions which teach languages as a part of their curriculum, but should be directed to those schools which are devoted to instruction in foreign languages. Since, of course, many private foreign language schools are beyond suspicion, no unnecessary burden should be placed on such schools as a class in order to make possible the control or elimination of schools which are anti-American in their purpose and effect.

The committee has introduced Senate Bill 73 to fix a \$10 license fee for schools engaged particularly in the instruction of foreign languages, and feels that sufficient funds should be appropriated in the Budget to the Department of Education to make the necessary investigation.

#### **Japanese Fishing Boats**

The committee gave little consideration to the problems of the use of fishing vessels on our coast owned and operated by Japanese, since this matter seems to have previously been covered by legislation. The committee, however, feels that there is danger of the present statute being declared unconstitutional, on the grounds of discrimination, since it is directed against alien Japanese. It is believed that this legal question can probably be eliminated by an amendment which has been proposed to the bill which would make it apply to any alien who is ineligible to citizenship.

The committee has introduced Senate Bill 413 to make this change in the statute.

#### **Dual Citizenship**

The investigation of the effect of dual citizenship of the Japanese in California has led us to the conclusion that this is a strictly Federal problem. There appears to be nothing that the State of California can do directly to effect the problems arising from dual citizenship. The committee has, however, presented a joint resolution calling the attention of the Federal authorities to the problems in California arising from the dual citizenship of the Japanese, and urging that appropriate steps be taken to deal with the problems so arising.

#### **Tulelake Riot**

The committee filed a partial report at the Extra Session on January 27, 1944, dealing with problems of control at the Tulelake segregation center. The report was made at that time because it was believed a violent outbreak at the Tulelake Relocation Center justified bringing the committee's report and recommendations on that problem immediately before the Legislature in special session. This final report will not go into the question of the Tulelake Center, except to summarize the findings made by the committee in its partial report. Extracts of the transcript of the hearing conducted in Tulelake which support the findings may be found in the original partial report, or in the Senate Journal of January 27, 1944. Attention is particularly



directed to these extracts from the transcript, as, in the opinion of the committee, they clearly demonstrate the attitude of the Japanese at this relocation center, and demonstrate the dangers which may arise from failure on the part of the State of California to properly recognize and deal with the problems arising from the Japanese in this State.

The findings of the committee contained in the preliminary report are as follows:

The committee spent five days in investigating and holding hearings at Tulelake and in the Tulelake Segregation Center. Many witnesses, including employees, former employees of this center, and citizens residing outside the center were examined, and also including the Project Director, and the Western Regional Director.

The evidence introduced before this committee brought forth the following facts as to the Tulelake situation:

1. That, in August of 1943, a segregation of the disloyal Japanese from the supposedly loyal Japanese was put into effect; that many of the so-called loyal were taken out of Tulelake and sent elsewhere; and that the known disloyal Japanese from the centers throughout the Nation were concentrated at Tulelake, with the result that on or about November 1, 1943, there was in the camp approximately 16,000 such Japanese.

2. That the testimony shows and this committee finds, as a fact, that there were in the center Japanese subversive organizations.

3. Beginning with the segregation and prior thereto, the Japanese internees commenced a series of demands, refusal to work, demonstrations, and riots.

4. The Japanese internees were being given sufficient and wholesome food, the food being supplied by the Army Quartermaster Corps from the same source which our uniformed forces are being fed; that in addition thereto, they were supplied vegetables and other balanced diet obtained in the community.

5. Their living conditions were satisfactory and ample.

6. They were provided with sufficient entertainment and recreational facilities.

7. They were provided with adequate hospitalization and competent physicians and nurses.

8. The administration of the camp afforded opportunities for work for which they were paid, in addition to their accommodations, such work being farming and construction, handling supplies and the raising and slaughtering of meat and other camp activities.

9. The committee believes that most of these continued demands, refusals to work, and requests that were made upon the WRA authorities in charge were not warranted by the facts, but were made a part of a definite plan of the disloyal Japanese in the center to dominate the center and the authorities in charge.

10. That the policy of handling the situation and the camp was that of conciliation, of granting one request after another, and that as soon as one request was granted there were always further demands made. There was no end to it. The administration of the camp lacked firmness and was utterly void of any definite policy. The Director of Tulelake, R. Best, admitted on the stand that no definite policy was given to him by any higher authority to handle this camp, composed of known disloyal Japanese, any differently than so-called Japanese centers or camps.

11. That under the plan that was followed in the administration of the Tulelake Center, no order or directive could be given to any internee. He could simply be requested to cooperate through a Japanese spokesman.

12. That there was a total lack of any adequate internal security under the WRA administration; that to handle a camp of approximately 16,000 mostly disloyal Japanese, there was only a police force of seven men, none of whom was permitted to carry weapons. That there was no protection by a proper man-proof fence between the living quarters of the Caucasian personnel or the administration center and the Japanese colony up to the time of the military taking control, and that the Japanese had free access at all times to the areas occupied by the Caucasian personnel, the administration building, warehouses, and garages, and were constantly found in these places.

13. That such Japanese were continually using toward the Caucasian personnel vile, obscene, and indecent languages, complaints of which were continually made by the personnel to the superiors without any apparent attempt upon the part of such superiors to correct such abuse.

14. That among the Caucasian personnel were certain employees who, as shown by testimony, advised the Japanese internees that if they continually made demands and applied pressure, they could get anything they wanted.

15. That the Japanese internees were organized under the leadership of known hostile segregees who staged a number of anti-American demonstrations



such as the celebration of the emperor's birthday and the birthday of the grandfather of the emperor at which celebrations the Japanese flag was prominently displayed and at which celebrations they made obeisance to the Emperor of Japan.

16. That thousands of knives were stolen or made; that great quantities of meat were wantonly destroyed; that hundreds of acres of vegetables were lost or destroyed because of the refusal of the internees to harvest them, the contention being that the harvesting of such crops would help augment the American food supply. Various articles of much value were constantly being stolen, or disappeared; great damage was done to the fire alarm system; and equipment such as farm equipment and trucks were maliciously damaged and destroyed; that the administrative heads of the various departments were not given any support in controlling or handling the affairs of their departments, and were given to understand that they would have to get along with the Japanese as best they could or somebody else would be found to do the job.

17. Threats and demands were made as shown by the testimony taken during the discussion between Mr. Myers, Mr. Best, and Mr. Cozzens with the Japanese committee headed by Kuratomi. This evidence shows that some twenty demands were made, such as: All control of hospital to be taken over by Japanese, and Caucasian doctors and nurses discharged; better food, uniform porches on barracks; bathrooms, better latrines and service; dust control of the roads; Federal meat inspectors; demands for more buckets, brooms, mops; more closets; six ambulances to be in operation; the center administration to recognize a control organization or committee of the Japanese, and to recognize various Japanese committees; unemployment compensation to be made available to all Japanese workers out of employment; demand for the removal of Mr. Best, Mr. Zimmer, Mr. Schmidt, Mr. Kallam, Mr. Peek, Mr. Kirkham, all administrative heads.

18. All these people were imprisoned in the administration building from approximately 1.15 p.m. to 5.15 p.m., during which time Mr. Dillon Myers, National Director; Mr. Cozzens, Regional Director; and Mr. Ray Best, Project Director; and all of the which personnel of said camp were the prisoners and under the absolute control of the Japanese. Upon the breaking up of the demonstration, the concluding speaker over the loud speaker system was a Shinto priest who requested that the Japanese surrounding the building show their allegiance to the Japanese Emperor by the usual custom of removing their hats, turning to the East and bowing three times. This was done.

19. Contrary to the order issued by Director Best, forbidding the Japanese to ever assemble on administration grounds following the demonstration on Monday, November 1st, on Thursday evening, November 4th, several hundred Japanese armed with clubs commenced to congregate in small groups about the Caucasian personnel living quarters of the administrative section where acts of violence were committed; and Internal Security Officer, Edward H. Borbeck was severely beaten and was found in an unconscious condition. They surrounded Best's home and had a truck in which to remove him, and threatened his life, and thereupon Best called in the Military. Shots were fired, and the Japanese driven back into the colony by the Military.

20. The evidence shows that following the demonstration last mentioned, Director Best called a meeting of the personnel and said to them: From here on out all information about what took place in WRA will come from the Army. I don't want any of you to go out and talk. I hope you are wise enough to accept this warning.

From the foregoing facts, this committee decided and determines, and reiterates its former findings, that the Military should be retained in full control and operation of said camp at the Tulelake Center in California.

21. The committee believes that it is because of the lack of any definite policy of the WRA and the continual unnecessary appeasement of the Japanese internees that the condition at Tulelake Center developed; that if a definite policy of firmness had been understood both by the Japanese and the administrative officers from the beginning, this condition would never have developed. It is our firm belief that if the Army had been administering the affairs of the center, and doing the police work, these demonstrations and incidents would not have occurred. We find that the Japanese in the Tulelake Center have been treated with kindness, fairness, and with utmost consideration, despite their disloyalty and acts of sabotage and thievery; we believe that if the Army were in control of the center, doing the work assigned to the Internal Security Officers, the Army would be in a position to prevent the occurrences that have taken place at Tulelake and at the same time permit the treatment of the internees with the same fairness, humane consideration and tolerance indicative of the American way of life.

22. This committee further reiterates and finds, that no Japanese evacuee should be permitted to return to California during the war; that the policy and plan stated by the National Director, Mr. Myers, of removing these evacuees from the camps throughout the Nation and distributing them in California on the Coastal Area should not be countenanced.

### Conclusion

The committee is of the opinion that there have been extensive and serious violations of the Alien Land Law; that there are still many cases of such violations where action should be taken and the escheat actions filed.

In order to properly deal with such escheat actions it is recommended first that the primary responsibility of enforcement be placed upon the Attorney General's Office; second, that adequate funds be made available for the necessary expenses, investigations, and prosecution of such cases. To recompense the counties for their contribution to the cost of prosecution it is recommended that one-half of any net return from escheat proceedings be returned to the counties.

Adequate provision should be made to finance Alien Land Law prosecutions at least during the next biennium and until escheated assets should be sufficient to recover further cost of such investigations and prosecutions. An appropriation of \$200,000 is, in the opinion of the committee, necessary for this purpose.

The statute of limitations should be changed to prevent the statute running on Alien Law violations. There may be some procedural changes advisable in the Alien Law in order to simplify or expedite hearings.

Japanese language schools, in the opinion of the committee should be carefully regulated and, in order to accomplish this purpose, an ample appropriation should be given to the State Department of Education. It is recognized that for the immediate present there is little to be done in this connection due to the closing of Japanese language schools because of the absence of the Japanese from the State, but as they return to the State and such schools are reopened very careful attention should be given to each of them.

The Japanese fishing bill, in the opinion of the committee, does not require extensive revision, but should be modified to apply to aliens ineligible to citizenship rather than to refer specifically to Japanese.

It is highly desirable that some means be found to eliminate or alleviate the condition in California resulting from the dual citizenship of Japanese, this being a means by which while Japanese may have American citizenship they, in many cases, place a higher value and a higher loyalty upon their Japanese citizenship. Unfortunately, as we have stated above in our report, this appears to be entirely a Federal question and a matter which is beyond the jurisdiction of the State of California.

This committee is vigorously opposed to the return of any Japanese to California until after the end of the war with Japan.

Respectfully submitted.

### SENATE FACT-FINDING COMMITTEE ON JAPANESE RESETTLEMENT

HUGH P. DONNELLY, Chairman

JESS R. DORSEY

HERBERT W. SLATER

IRWIN T. QUINN

GEO. J. HATFIELD

### CONSIDERATION OF DAILY FILE

#### UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Bill No. 118**—An act to amend Sections 3 and 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 118?

#### Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out the comma and "or under Sec.": and strike out lines 6 to 13, inclusive, and insert "for any allocation made subsequent to the filing with the respective department of such determination".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 118 by the following vote:

**AYES**—Senators Biggar, Collier, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—25.

**NOES**—None.

Above bill ordered enrolled.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 376**—An act to amend Sections 1272, 1273 and 1274 of the Fish and Game Code, relating to deer.

Bill read second time.

##### Motion to Amend

Senator Brown moved the adoption of the following amendment:

##### Amendment No. 1

On page 1, line 18, of the printed bill, strike out "Fifty-sixth", and insert "Fifty-seventh".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 153**—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 and to repeal Section 501 of the Agricultural Code, relating to inspection of milk and milk products.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 5 of the printed bill, following line 19, insert:

"In all cases when an approved milk inspection service has notified the director that any market milk received within its jurisdiction is not in compliance with the requirements of this division, the director shall immediately take the necessary steps through his authorized representative to investigate the reason or reasons, if any, for failure in such compliance by the dairy producing said milk, and shall further cause any unsatisfactory conditions or operations on said dairy to be corrected or shall suspend or revoke said dairy's permit. In either event the approved milk inspection service and the dairy shall be notified by the director of his findings and the action taken and said notifications by him shall be controlling as to the dairy and the said approved milk inspection service."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 387**—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 22, of the printed bill, as amended, after the comma following "pounds", strike out "or".



**Amendment No. 2**

On page 1, line 25, of the printed bill, as amended, strike out the period and insert a comma, and the following "or (4) the sale or marketing of oranges, grapefruit or lemons to consumers through roadside stands operated by a citrus producer or to the transportation thereof prior to or after such sale or marketing."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Senate Bill No. 277**—An act to provide for the acquisition of a State Park in the County of Napa as part of the State Park System, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance :

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 10 to 16, inclusive, and insert

"SEC. 2. No portion of the money appropriated by this act shall be expended unless there shall have been deposited in the State Treasury a Fund from some source other than appropriation by the State equal to the amount to be expended from said funds or a donation equal in value to the amount of said funds intended to be expended shall have been made from sources other than appropriation by the State in the form of real property or in money or a combination of property and money."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1018**—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance :

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "one hundred fifty-four thousand dollars (\$154,000)", and insert "one hundred thousand dollars (\$100,000)".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out "through the University of California Hospital".

**Amendment No. 3**

On page 1, line 6, of said bill, after "of", insert "a".

**Amendment No. 4**

On page 1, line 7, of said bill, strike out "centers", and insert "center".

**Amendment No. 5**

On page 1, line 7, of said bill, strike out "two State cerebral"; and strike out lines 8 and 9, and insert "a State cerebral palsy school should such school be authorized by the Legislature."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1019**—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy schools.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In the title of the printed bill, beginning in line 1, strike out "making an appropriation to The Regents of the University of California for the", and insert "providing for the".

**Amendment No. 2**

In line 3 of the title of said bill, after "schools", insert "and making an appropriation therefor".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 9, inclusive, and insert "two hundred forty thousand dollars (\$240,000) to the Department of Education to be expended by the department during the Ninety-seventh and Ninety-eighth Fiscal Years for the operation and maintenance of a State cerebral palsy school in conjunction with a cerebral palsy diagnostic and treatment center to be operated by The Regents of the University of California."

SEC. 2. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy set forth in this act shall be under the joint jurisdiction of The Regents of the University of California and the State Board of Education, such jurisdiction to be exercised in such manner and under such conditions as may be mutually agreed upon by the two agencies."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1020**—An act making an appropriation to The Regents of the University of California for the establishment, equipment and maintenance of State cerebral palsy schools.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "making an appropriation to The Regents of the Univer-"; and strike out line 2; and in line 3 strike out "maintenance of", and insert "relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for a".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "schools", and insert "school and making an appropriation therefor".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "to The Regents of"; and strike out lines 4 to 10, inclusive, and insert "to the Department of Education to be expended by the department for the purchase of a site, construction of buildings, improvement of grounds and purchase of equipment for a cerebral palsy school to be operated and maintained in conjunction with a cerebral palsy diagnostic and treatment center to be operated by The Regents of the University of California."

SEC. 2. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy set forth in this act shall be under the joint jurisdiction of The Regents of the University of California and the State Board of Education, such jurisdiction to be exercised in such manner and under such conditions as may be mutually agreed upon by the two agencies."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1111**—An act to amend Section 23 of the Unemployment Insurance Act, relating to the Unemployment Administration Fund.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 23", and insert "Section 23, 24, and 20".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "the Unemployment Insurance Administration Fund", and insert "funds in the State Treasury".

**Amendment No. 3**

On page 2 of said bill, after line 34, insert

"SEC. 2. Section 24 of the Unemployment Insurance Act is amended to read:

Sec. 24. There is hereby created in the State Treasury a separate fund to be known as the Department of Employment Contingent Fund into which shall be deposited or transferred all interest on contributions, penalties and fines collected under this act. There shall be transferred to this fund from the clearing account in the Unemployment Fund upon certification of the commission the amount of interest on contributions, penalties and fines deposited each month in the clearing account provided that there shall be withheld from any such transfer the amount certified by the commission to be required under this act to pay *refunds of amounts collected after January 29, 1945 and erroneously paid into the Department of Employment Contingent Fund* and interest on refunds and judgments. Such amounts of interest, penalties and fines so certified for transfer shall be deemed to have been erroneously deposited in the clearing account and the transfer thereof to the Department of Employment Contingent Fund shall be deemed to be a refund of such erroneous deposits. All amounts in the Department of Employment Contingent Fund are hereby continuously appropriated without regard to fiscal years *for refund of amounts collected after January 29, 1945 and erroneously deposited therein, for interest payable under this Act on refunds and judgments and for the administration of the Department of Employment, provided, however, that no expenditure for administration shall be made from this fund except under an authorization made by the Director of Finance in the manner prescribed in Section 661 of the Political Code; provided further that no such authorization shall be made as a substitution for a grant of Federal funds, or for any portion thereof, which in the absence of said authorization would be available to the Department of Employment.*

SEC. 3. Section 20 of the Unemployment Insurance Act is amended to read:

Sec. 20. The State Treasurer shall be ex officio the treasurer and custodian of the Unemployment Fund, and shall administer such fund in accordance with the directions of the commission. There shall be maintained within the fund three separate accounts:

- (1) A clearing account,
- (2) An Unemployment Trust Fund account, and
- (3) A benefit account.

All contributions and amounts payable to the fund upon receipt thereof by the commission, shall be forwarded to the treasurer who shall, after proper clearance, immediately deposit them in the clearing account. Refunds or judgments payable pursuant to this act may be paid from the clearing account or from the benefit account with respect to any moneys erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulation. *Refunds of interest, penalties and fines collected after January 29, 1945 and interest payable on refunds and judgments pursuant to this act may not be paid from the benefit account but may be paid from the clearing account, but only to the extent that interest, penalties and fines collected are currently on deposit in that account.* There is hereby continuously appropriated without regard to fiscal years such sums as may be necessary for such refunds. Immediately after clearance thereof, all other moneys in the clearing account excepting interest on contributions, penalties and fines collected shall be deposited in or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The amounts so deposited or invested shall be entered in the Unemployment Trust Fund account.

The benefit account shall consist of all moneys requisitioned from this State's account in the Unemployment Trust Fund, and any moneys so requisitioned shall be transferred out of the Unemployment Trust Fund account into the benefit account. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which public funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts shall not be commingled with other State funds,

but shall be maintained in a separate account on the books of the depository. Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the General Depository Law of the State and collateral pledged shall be maintained in a separate custody account. The official bond of the State Treasurer shall cover the faithful performance of his duties as Treasurer of the Unemployment Fund. The Unemployment Fund shall be administered by the commission without liability upon the part of the State beyond the amounts paid into and earned by the fund."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1178**—An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 3 of the title of the printed bill, after "decedents", and before the period, insert " , declaring the urgency thereof, to take effect immediately".

##### Amendment No. 2

On page 1 of said bill, after line 12 insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 87**—An act to amend Sections 2801, 2802, 2803, 2805, and 2808 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 14, of the printed bill, after "convenient", insert "and if reference thereto is made opposite to the assessment,".

##### Amendment No. 2

On page 1, line 25, of said bill, after "property", and before the comma insert "so transferred or retained".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 666**—An act to add a new article to Chapter 13 of Part 10 of the Revenue and Taxation Code to be numbered Article 5, relating to the authority of the Franchise Tax Commissioner to enter into closing agreements in respect to personal income taxes for any taxable period.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 371**—An act to amend Sections 19485, 19597, 19620 and 19627 of the Business and Professions Code, relating to the regulation and licensing of horse racing and horse race meetings, wagering on the results thereof and the disposition of State revenues therefrom.

Bill read second time, ordered engrossed, and to third reading.

#### MOTION TO SUSPEND SENATE RULE NO. 38

Senator DeLap moved that the portion of Rule 38 which relates to consideration on the third reading file or in committee of amendments previously adopted on third reading, be suspended temporarily to offer amendments to Senate Bills Nos. 281 and 279.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

#### SECOND READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 281**—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time.

##### Motion to Amend

Senator DeLap moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "1947", and insert "1945".

##### Amendment No. 2

On page 2, line 11, of said bill, strike out ", 279, and 625, all as amended by the Senate," and insert "and 279".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 279**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time.

##### Motion to Amend

Senator DeLap moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "1947", and insert "1945".

##### Amendment No. 2

On page 2, line 9, of said bill, strike out ", 281, and 625, all as amended by the Senate," and insert "and 281".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO SUSPEND SENATE RULE NO. 38**

Senator Breed moved that the portion of Rule 38, which relates to consideration, on third reading file or in committee of amendments previously adopted on third reading file, be suspended temporarily, to offer amendments to Senate Bills Nos. 3 and 9.

The roll was called, and the motion carried by the following vote:

**AYES.**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuehl, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

**NOES.**—None.

**SECOND READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 3.**—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, strike out "1947", and insert "1945".

**Amendment No. 2**

On page 2, line 20, of said bill, strike out "1947", and insert "1945".

**Amendment No. 3**

On page 2, line 42, of said bill, strike out ", 281, and 625, all as amended by the Senate," and insert "and 281".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 9.**—An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205, of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Ward moved the adoption of the following amendment:

**Amendment No. 1**

On page 9, line 38, of the printed bill, as amended, strike out "281, and 625, all as amended by the Senate," and insert "and 281".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1454.**—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, and 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out "10, 18 and 19", and insert "18 and 19, and in District 10 only in waters lying south of Point Lobos,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1557**—An act to amend Section 618 of the Fish and Game Code, relating to trout.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 774**—An act to amend Sections 1261, 1262, 1263, 1264, 1267, 1268, 1269, 1272, and 1273 of the Agricultural Code, and to add Section 1266 thereto, relating to produce dealers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 6, line 11, of the printed bill, as amended, strike out "merchant", and insert "merchants".

**Amendment No. 2**

On page 7 of the printed bill, as amended, between lines 17 and 18, insert "Any person who holds a valid license issued, prior to the effective date of this amendment, under the provisions of Chapter 9, Division 6, of this code may surrender said license to the director and at the same time apply to the director for the issuance to him of a license under the provisions of Chapter 6, Division 6, of this code for the unexpired term of the surrendered license, and the director shall, without payment of further fee, issue such license upon applicant's complying with the provisions of Chapter 6, Division 6, of this code."

**Amendment No. 3**

On page 9, line 2, of the printed bill, as amended, before "The", insert "1268."

**Amendment No. 4**

On page 11, line 11, of the printed bill, as amended, strike out "of", and insert "required by".

**Amendment No. 5**

On page 13, line 24, of the printed bill, as amended, strike out "charter", and insert "chapter".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Assembly Bill No. 1717**—An act to add Section 2189.5 to the Revenue and Taxation Code, relating to tax on personality as lien on gas and oil leasehold estate.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1020**—An act to repeal Sections 3552.40 and 3728 and to add Sections 3728 and 3728.1 and to amend Section 3729 of the Revenue and Taxation Code, relating to suits involving the validity of tax deeds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1026**—An act to amend Sections 3490, 3492, 3493, 3494 and 3495 of the Revenue and Taxation Code and to suspend and

postpone the operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code and declaring the urgency thereof to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1501**—An act to amend Sections 6459, 6812, and 6902 of the Revenue and Taxation Code, and to add Section 6488 to said code, all relating to the taxation of the privilege of selling and storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1502**—An act to amend Sections 6005, 6011, 6012, 6563, 6901, 6907, and 6935 of the Revenue and Taxation Code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "6011, 6012, 6563," and insert "6006, 6010, 6011, 6012, 6563, 6701,".

##### Amendment No. 2

In line 2 of the title of the printed bill, after "Code", insert "and to add Sections 6018 and 6402 to said Code".

##### Amendment No. 3

On page 1, line 6, of the printed bill, after "syndicate," insert "the United States,".

##### Amendment No. 4

On page 1, line 7, of the printed bill, strike out "thereof", and insert "of the State".

##### Amendment No. 5

On page 1 of the printed bill, between lines 8 and 9 insert

Sec. 1.5. Section 6006 of the Revenue and Taxation Code is amended to read: 6006. "Sale" means [any] and includes:

(a) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or any means whatsoever, of tangible personal property for a consideration [.]. "Transfer of possession," "lease," or "rental" includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) [or any] Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate commerce, of tangible personal property from the place where it is located for delivery to a point in this State for the purpose of the transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of the property for a consideration.

["Transfer of possession," "lease," or "rental" includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

"Sale" includes:]

[(a)] (c) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

[(b)] (d) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

[(c)] (e) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.



[(d)] (f) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

[(e)] (g) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

SEC. 1.7. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) [any] Any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

(b) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price [is a purchase].

(c) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication [is also a purchase].

#### Amendment No. 6

On page 3 of the printed bill, between lines 12 and 13 insert

"SEC. 3.5. Section 6018 is added to the Revenue and Taxation Code, to read:

6018. "United States" includes any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned, either directly or through one or more corporations, by the United States.

SEC. 3.7. Section 6402 is added to the Revenue and Taxation Code, to read:

6402. The storage, use, or other consumption in this State of property purchased from the United States, except (a) any property reported to the Surplus Property Board of the United States as surplus property by any owning agency and (b) any property included in any contractor inventory, is exempted from the use tax.

"Surplus property," "owning agency," and "contractor inventory" as used in this section have the meanings ascribed to them in that Act of the Congress of the United States known as the "Surplus Property Act of 1944."

#### Amendment No. 7

On page 3 of the printed bill, between lines 18 and 19 insert

"SEC. 4.5. Section 6701 of the Revenue and Taxation Code is amended to read:

6701. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto to deposit with it such security as the board may determine. The amount of the security shall be fixed by the board but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such manner as the board deems proper, or ten thousand dollars (\$10,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the board subject to the limitations herein provided. The board may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the board. *Security in the form of a beaver bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof.* Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

#### MOTION TO RETAIN PLACE ON FILE

Senator Seawell moved that Senate Bill No. 39 retain its place on file.  
Motion carried.

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 337**—An act to amend Sections 255 and 257 of, and to add Section 255a to, the Health and Safety Code, relating to physically handicapped children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 330**—An act to add Sections 10601.5 and 10605.5 to the Health and Safety Code, relating to birth certificates of persons whose time and place of birth are unknown.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1219**—An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Hulse moved the adoption of the following amendment:

#### Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "industries", insert "or activities".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1273**—An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 171**—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Constitutional Amendment No. 10**—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to Legislature.

##### Motion to Reconsider Assembly Constitutional Amendment No. 10

Pursuant to his motion previously made, Senator Kuchel moved that the Senate, at this time, reconsider the vote whereby Assembly Constitutional Amendment No. 10 was adopted.

The roll was called.

##### Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 2.38 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1620**—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Swing—30.

NOES—None.

Bill ordered transmitted to the Assembly.

##### Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 43**—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.57 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 10 refused reconsideration by the following vote:

AYES—Senators Breed, Brown, DeLap, Dilworth, Keating, Kuchel, Powers, Quinn, Rich, Ward, and Weybret—11.

NOES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—26.

Assembly Constitutional Amendment No. 10 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 200**—An act to add Section 10500.5 to the Elections Code, relating to elections for members of Congress.

Bill read third time, and presented by Senator Breed.

#### Previous Question

Senator McBride moved the previous question.

Motion carried.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—Senators Carter, Donnelly, Jespersen, and Keating—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1538**—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 397**—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

Bill read third time, and presented by Senator Carter.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 1, of the printed bill, as amended, strike out "No power is delegated to the"; and strike out lines 2 to 8, inclusive.

**Amendment No. 2**

On page 4 of said bill, strike out lines 25 to 27, inclusive; and in line 28 strike out "poses," and insert "amphibia and reptiles".

**Amendment No. 3**

On page 4, line 45, of said bill, after "resource", insert ", other than fish and game,".

**Amendment No. 4**

On page 4, lines 46 and 47, of said bill, strike out "therewith, except as specifically provided", and insert "with any natural resource other than fish and game".

Amendments read.

**Previous Question**

Senator Cunningham moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Mayo.

**Roll Call Demanded**

Senators Carter, Gordon, and Salsman demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Desmond, Dilworth, Donnelly, Hatfield, Hulse, Mayo, Salsman, Seawell, Sutton, and Tenney—14.

NOES—Senators Breed, Carter, Cunningham, DeLap, Dillinger, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Shelley, Slater, Ward, and Weybret—22.

**Further Amendments to Assembly Bill No. 397**

**Motion to Amend**

Senator Biggar moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 9, of the printed bill, as amended, strike out the period and insert a comma and the following "provided, however, that none of the powers conferred upon the Commission by this act shall apply to District 24."

Amendment read.

**Motion to Lay on Table**

Senator Carter moved that the amendment offered by Senator Biggar to Assembly Bill No. 397, be laid on the table.

**Roll Call Demanded**

Senators Biggar, Mayo, and Hatfield demanded a roll call.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dorsey, Gordon, Jespersen, Judah, Keating, Kuehel, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Shelley, Slater, Ward, and Weybret—26.

**NOES**—Senators Biggar, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Mayo, Salsman, Seawell, Sutton, Swing, and Tenney—12.

#### Further Consideration of Assembly Bill No. 397

##### Previous Question

Senator Dillinger moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 397.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Carter, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuehel, McBride, McCormack, Minter, Parkman, Quinn, Rich, Shelley, Slater, Ward, and Weybret—22.

**NOES**—Senators Biggar, Breed, Brown, Collier, Desmond, Dilworth, Donnelly, Hatfield, Hulse, Mayo, Salsman, Seawell, Sutton, Swing, and Tenney—15.

##### Motion to Reconsider

Senator Salsman moved to reconsider the vote whereby Assembly Bill No. 397 was passed.

##### Postponement of Reconsideration

On motion of Senator Salsman, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 397 was passed, was continued until the next legislative day.

##### Secretary J. A. Beek at the Desk

**Assembly Bill No. 367**—An act to amend Section 1161 of the Civil Code, relating to prerequisites to recordation, and Section 2952 of the Civil Code, relating to mortgages of real property, and providing for the recording of fictitious mortgages and deeds of trust and the inclusion of the provisions thereof in other mortgages and deeds of trust by reference, and constructive notice of such mortgages and deeds of trust by the recording thereof.

Bill read third time.

##### Motion to Amend

Senator Salsman moved the adoption of the following amendment:

##### Amendment No. 1

On page 1, line 20, of the printed bill, after "thereby," insert "Any assignment of any such agreement for sale, option agreement, agreement for lease, deposit receipt, commission receipt, or lease shall not impart any notice thereof and shall not be recorded unless the original instrument itself has been recorded as by this section required and such assignment contains a reference to the correct book and page where such original instrument is recorded, except that no such reference is required if the original instrument and the assignment are presented for recordation concurrently."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Senate Bill No. 382 be taken from the inactive file and placed on the second reading file.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 75**

Senator Desmond moved that Senate Bill No. 75 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 75**—An act to be known as the "Local Area Rehabilitation Act" to authorize cities, counties and cities and counties to reorganize, rehabilitate and reconstruct retrograde areas within the territories thereof; defining such retrograde areas and declaring the existence thereof; declaring the necessity of such reorganization, rehabilitation and reconstruction of such retrograde areas for the preservation of the public peace, health and safety and that same constitutes a public use and purpose for which private property may be condemned and granting such cities, counties and cities and counties the right to exercise the power of eminent domain and to enter into contracts for such purposes and that for such purposes public moneys may be spent and other aid given; establishing planning commissions in certain cases and conferring certain powers and duties upon such planning commissions and the legislative bodies of such communities for the purpose of carrying out the purposes of this act; empowering such legislative bodies to make contracts with property owners and others; to sell such properties in the manner prescribed in this act and to take and foreclose mortgages, and to take and enforce undertakings given in the performance of the terms of this act; to maintain actions for the enforcement of such contracts, and prescribing procedure for the performance of the duties of such legislative bodies and planning commissions under this act, and establishing such commissions as State agencies and waiving the trust status of the properties bought and sold in pursuance of the purposes of this act and declaring that this act and the powers thereby conferred are for public use and purpose.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "to be known as the "Local Area Rehabilitation Act"", and insert "relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act."

**Amendment No. 2**

In the title of said bill, strike out lines 2 to 30, inclusive.

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 3, inclusive, and insert

**"Article 1. Short Title**

**SECTION 1.** This act shall be known and may be cited as the "Community Redevelopment Act."

**Article 2. Legislative Finding, Policy of State and Purpose of Act**

**SEC. 2.** It is hereby found and declared that there exist in many communities in this State blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety and general welfare of the

people of the communities in which they exist and of the people of this State generally. These blighted areas are characterized by one or more of the following conditions:

(a) The existence of buildings and structures, either used or intended to be used for living, commercial, industrial or other purposes, or any combination of such uses, which by reason of defective design and character of physical construction, faulty interior arrangement and exterior spacing, high density of population and overcrowding, inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities, age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses to which they are put, or any combination of such factors and characteristics, are unfit or unsafe to occupy for residential, commercial, industrial or other purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime.

(b) An economic dislocation, deterioration or disuse, as a result of faulty planning, the subdividing and the sale of lots of irregular form and shape and inadequate size for proper usefulness and development, the laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions, or the existence of inadequate streets, open spaces and utilities, or of lots or other areas which are subject to being submerged by water.

(c) A prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that there exists a reduced capacity to pay taxes and consequent inadequacy of tax receipts in relation to the cost of public services rendered.

(d) A growing and in some instances a total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare; and in other areas a loss of population and reduction of useful utilization of the area, resulting in the further deterioration thereof and in added costs to the taxpayer supporting governmental entities for the creation of new public facilities and services elsewhere.

It is further found and declared that the existence of blighted areas characterized by any or all of such conditions, separately or collectively, constitutes a serious and growing menace which is hereby condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the people of the State generally; that such areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power; that they contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety and the maintaining of adequate police, fire and accident protection and other public services and facilities; that this menace is becoming increasingly direct and substantial in its significance and effect; that the benefits which will result from the remedying of these conditions and the redevelopment of these areas of blight will accrue to all the inhabitants and property owners of the communities in which they exist.

It is further found and declared that such conditions of blight tend to further obsolescence, deterioration and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize or rehabilitate his own particular property while the condition of the neighboring properties remains unchanged; that as a consequence the process of deterioration of a blighted area frequently can not be halted or corrected except by redeveloping the entire area, or substantial portions thereof; that such conditions of blight are chiefly found in areas which have been subdivided into small parcels, that in most instances the lands are held in divided and widely scattered ownerships, frequently under defective titles, that in many such instances the private assembly of the lands in blighted areas for purposes of redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for individual owners independently or collectively to undertake to remedy such conditions because of lack of the legal power necessary for, and the excessive costs involved in, the private acquisition of the real property of the area; that the remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

For these reasons it is hereby declared to be the policy of this State to protect and promote the sound development and redevelopment of blighted areas within this State and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all means appropriate for that purpose; that whenever the redevelopment of blighted areas can not be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, the work of clearance and the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes and to provide a means whereby the blighted areas within this State may be redeveloped or rehabilitated; that the redevelopment



of such blighted areas and the provision for appropriate continuing land use and construction policies therein, constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of State concern in the interest of the health, safety and welfare of the people of the State generally and particularly of the people of the communities of the State in which such areas exist; that it is in the public interest that work on such projects be commenced as soon as possible in order to create postwar employment; and that the necessity in the public interest for the provisions herein-after enacted is hereby declared to be a matter of legislative determination.

#### Article 3. General Provisions and Definitions

SEC. 3. The following definitions and general provisions govern the construction of this act:

SEC. 4. "Agency" means a redevelopment agency created by this act.

SEC. 5. "Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by an agency pursuant to this act.

SEC. 6. "Community" means a city, county, or city and county.

SEC. 7. "Federal Government" means the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

SEC. 8. "Legislative body" means the city council, board of supervisors or other legislative body of a community.

SEC. 9. "Obligee of the agency" or "obligee" shall include any bondholder, trustee or trustees for any bondholder, or lessor demising to the agency property used in connection with a project area, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is party to any contract with the agency.

SEC. 10. "Planning commission" means a planning commission established under any State law or created by or pursuant to the charter of the community.

SEC. 11. "Project area" means all or a portion of a redevelopment area comprising either (1) at least one block bounded on all sides by public highways as shown on the official map of the community, or (2), where no official map exists, an area of not less than 90,000 square feet, including any highways, streets, or alleys.

SEC. 12. "Real property" means land, including lands under water and waterfront property, buildings, structures, fixtures, and improvements thereon, any and all property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, privilege, easement, franchise and right, legal or equitable, therein, including rights of way, terms for years and liens, charges or incumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

SEC. 13. "Redevelopment area" means an area of a community which the legislative body thereof finds is a blighted area whose redevelopment is necessary to effectuate the public purposes declared in this act. A redevelopment area need not be restricted to, or consist entirely of, buildings, improvements, or lands which of themselves are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may therefore include lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

SEC. 14. "Redevelopment" means the planning, redevelopment, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of a redevelopment area or part thereof, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant thereto. The term does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are deemed essential to the redevelopment and rehabilitation of the area.

The term includes provision for open space types of use, such as streets and other public grounds and space around buildings, as well as buildings, structures and improvements, public or private, and improvements of recreational areas, public or private, and other public grounds. The term also includes the replanning or redesign or original development of undeveloped areas which by reason of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes are stagnant or not properly utilized or which, because of widely scattered ownership, or tax delinquency, or other reasons, require replanning and land assembly for reclamation or development in the interest of the general welfare.

SEC. 15. "Redevelopment project" means any work or undertaking of an agency pursuant to this act.

SEC. 16. "State Government" means the State of California, or any agency or instrumentality, corporate or otherwise, thereof.

SEC. 17. "State public body" means the State, or any city, city and county, county, district, authority, or any other subdivision or public body of the State.

#### Article 4. Prerequisites

SEC. 18. A community must comply with the requirements of this article before proceeding further under this act.

SEC. 19. The community must have a planning commission.

SEC. 20. The community must have a master or general community plan adopted by the planning commission or the legislative body, and in either case the plan must include at least the following:

(a) The general location and extent of existing and proposed future major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(c) A statement of the standards of population density and building intensity recommended in and for the various districts and other territorial units, together with estimates of future population growth, in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts or other descriptive matter showing the area or areas in which conditions are found indicating the existence of blighted areas.

SEC. 21. The legislative body of the community must, by resolution, have designated one or more areas within the community as a redevelopment area or areas. Each such resolution shall include a legal description of the boundaries of the area or areas designated as a redevelopment area. Before passing such a resolution the legislative body shall give notice of the time and place of a public hearing or hearings with reference thereto. Such notice shall be published not less than once a week for four successive weeks prior to the hearing in a newspaper of general circulation, printed and published in the community, or if no such newspaper is printed and published in the community, then in a newspaper selected by the legislative body. Copies of such notice shall be mailed to the last known assessee of each parcel of land in such area, at the last known address of such assessee as shown by the records of the assessor of or for the community. At the time set for a hearing the legislative body shall provide an opportunity for all persons or agencies interested to be heard and shall receive and consider communications in writing, with reference thereto. The legislative body may hold the hearing required by this section jointly with the hearing upon a tentative plan for a project area as provided in Section 25.

Any person, group, association or corporation may in writing petition the legislative body to designate one or more areas within the community as redevelopment areas, and may submit with their petition plans showing the proposed redevelopment of such areas or any part or parts thereof.

#### Article 5. Tentative Plans in Project Areas

SEC. 22. The planning commission may of its own motion, or at the request of the agency, or shall at the direction of the legislative body, or upon the written petition of the owners in fee of a majority of any redevelopment area, excluding that portion thereof in public ownership or dedicated to a public use, select one or more project areas comprising all or a portion of such redevelopment area, and formulate a tentative plan for the redevelopment of each such project area. If the members of the agency have been appointed, the agency shall cooperate with the planning commission in the selection of the project areas and in the formulation of the tentative plan.

SEC. 23. A tentative redevelopment plan need not be detailed, but shall be sufficient if it

(a) Describes the boundaries of the project area,

(b) Contains a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the redevelopment of the project area,

(c) Shows how the purposes of this act would be attained by such redevelopment, and

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

SEC. 24. The tentative plan shall be presented by the commission to the legislative body of the community and shall be accompanied by a report

(a) Setting forth the reasons for its selection as a project area,

(b) Describing the conditions existing in the area, physical, social and economic, and

(c) Including a preliminary financial analysis of the proposed redevelopment together with proposed rent ranges on properties for residential use, for the purpose of indicating the general character of the proposed residential development.

#### Article 6. Establishment of Project Area and Adoption of Tentative Plan

SEC. 25. Upon presentation to it of a tentative plan for a project area, the legislative body may reject the tentative plan, may refer it back to the planning commission for further study or revision, or may hold a public hearing upon the adoption thereof.

SEC. 26. Notice of such hearing shall be given by publication in at least one issue, not less than 10 days prior to the hearing, of a newspaper of general circulation, printed and published in the community, or if no such newspaper is printed and published in the community, then in a newspaper selected by the legislative body. The legislative body may, but need not, give such additional notice as it deems appropriate.

SEC. 27. At the hearing the legislative body shall consider the report of the planning commission and any recommendations the agency may make, and shall take such other evidence and testimony as may be presented concerning the matters under consideration.

SEC. 28. The legislative body thereafter shall

(a) Determine whether or not the redevelopment of the project area pursuant to this act is in the public interest and would tend to effectuate the purposes and policy of this act;

(b) Approve or reject the tentative plan, or modify the plan and approve or reject it as modified.

SEC. 29. If the legislative body approves a tentative plan for a project area, it shall adopt the plan by resolution, whereupon such area shall be established and given a name and number and referred to as an approved redevelopment project area, and all records in relation to said area shall be consolidated into one file, designated by such name and number, and shall be preserved by the clerk of the legislative body as public records. Such resolution shall include the following:

(a) A legal description of the boundaries of the project area;

(b) A statement of findings, based upon surveys, investigations and reports of public agencies, and any other information showing the extent and character of blight, obsolescence and substandard conditions in the area and the injurious and detrimental effects thereof upon the public health, safety and general welfare;

(c) The tentative plan for the redevelopment of the project area, showing the principal features of the master plan or general community plan as they apply to the project area.

SEC. 30. The legislative body shall transmit to the redevelopment agency of the community a copy of any resolution adopted pursuant to Section 29.

SEC. 31. The legislative body shall file with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the rehabilitation of said project area have been instituted under this act.

SEC. 32. Upon adoption of a tentative plan for a project area, all subsequent applications for building permits in such area shall be subject to review by the legislative body, and permits for the construction of buildings or for other improvements which may interfere with, retard, or materially increase the cost of the redevelopment of such project area may be withheld by the legislative body.

#### Article 7. Redevelopment Agencies

SEC. 33. There is hereby created in each community a redevelopment agency to be known as the redevelopment agency of the community.

SEC. 34. The agency of any community shall not transact any business or exercise any powers under this act unless and until the legislative body of the community shall by resolution declare at any time hereafter that there is need for a redevelopment agency to function in such community.

SEC. 35. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, the redevelopment agency shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the legislative body declaring the need for the redevelopment agency to function.

SEC. 36. When the legislative body of a community first adopts a resolution as provided for in Section 34 of this act, the mayor of a city or of a city and county or the chairman of the board of supervisors of a county, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency. No member of the agency may be an elective officer or an employee of the community, but he may be a member, commissioner or employee of any other agency or authority of, or created for, the community notwithstanding any other provision of law. The powers of each agency shall be vested in the members thereof then in office. Members shall receive their actual and necessary expenses, including traveling expenses and may receive such other compensation as the legislative body may prescribe.

SEC. 37. Three of the members who are first appointed shall be designated to serve for terms of one, two, and three years respectively, from the date of their appointments, and two shall be designated to serve for terms of four years from the date of their appointments. Thereafter, members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

The appointing officer shall designate which of the members of the agency appointed shall be the first chairman, but when the office of the chairman of the agency becomes vacant thereafter, the agency shall elect a chairman from among its members. The



term of office as chairman of the agency, unless otherwise prescribed by the legislative body of the community, shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.

SEC. 38. For inefficiency or neglect of duty or misconduct in office, a member of an agency may be removed by the legislative body of the community, but the member may be removed only after he shall have been given a copy of the charges at least 10 days prior to a public hearing thereon and has had an opportunity to be heard in person or by counsel.

SEC. 39. No officer or employee of the community or of the agency who in the course of his duties is required to participate in the formulation of plans or policies for the redevelopment of a project area, or to approve such plans or policies, shall acquire any interest in any property included within a project area within its jurisdiction. If any such officer or employee owns or has any financial interest, direct or indirect, in any property included within such a project area he shall immediately disclose, in writing, such interest to the legislative body of the community and such disclosure shall be entered in the minutes of the agency and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office. No agency shall acquire from any of its members or officers any property, or interest therein, except through eminent domain proceedings.

SEC. 40. When the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may at that time, and from time to time thereafter, make an estimate of the amount of money required for the purposes of the agency and may appropriate such amounts to the agency as it deems necessary.

SEC. 41. Each agency transacting any business and exercising any powers shall annually submit to the legislative body of the community a budget of its estimated expenditures and receipts during the following fiscal year. Such budget shall be subject to such changes as the legislative body may prescribe, and its preparation and adoption, and the adoption of any changes therein, shall be subject to the same rules which are applicable to other agencies and departments of the community which are subject to budgetary control.

SEC. 42. Each such agency shall file with the legislative body a report of its transactions at monthly, quarterly, or annual intervals as the legislative body may prescribe.

SEC. 43. At any time after two years after adopting a resolution declaring that there is need for an agency to function in a community, the legislative body thereof, if such agency shall not theretofore have redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into any contracts for redevelopment, may by resolution declare that there is no further need for such agency in the community, and such agency shall thereupon be dissolved and the offices of the members thereof vacated.

#### Article 8. Powers of Redevelopment Agency

SEC. 44. Each redevelopment agency shall constitute a public body, corporate and politic, exercising public and essential governmental functions, and shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to the others herein granted:

(a) To sue and be sued; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) To make, and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this act to carry into effect the powers and purposes hereof.

(c) To select and appoint such officers, agents, counsel and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation, subject, nevertheless, to the provisions of Section 42.

(d) To purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property, or any interest therein, together with any improvements thereon; to acquire by the exercise of the power of eminent domain any real property; to clear any and all buildings, structures or other improvements from any real property so acquired; to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the agency against risks or hazards; and to rent, maintain, manage, operate, repair, and clear, such real property. Any such lease or sale may be made without public bidding but only after a public hearing by the agency upon the proposed lease or sale and the provisions thereof.

(e) To develop as a building site or sites any real property owned or acquired by it, and in this connection to cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks and curbs, and public utilities of every kind to be constructed and installed.

(f) To prepare from time to time plans for the improvement and rehabilitation of blighted areas.



(g) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(h) To obligate lessees or purchasers of land acquired in a redevelopment project: (1) to use such land for the purpose designated in the redevelopment plans; (2) to begin the building of specified improvements within a period of time which the agency fixes as reasonable; and (3) to comply with such other conditions as in the opinion of the redevelopment agency are necessary to carry out the purposes of this act. The agency, by provision in the contract, may make any of the purchaser's obligations covenants or conditions running with the land, whose breach shall cause the fee to revert to the agency.

(i) To exercise all or any part or combination of the powers herein granted.

(j) Nothing herein contained shall authorize such redevelopment agency to construct any of the buildings for residential or other use contemplated by the redevelopment plan.

#### Article 9. Cooperation in Undertaking Community Redevelopment Projects

SEC. 45. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any State public body may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its property to a redevelopment agency;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such area; make any lawfully authorized exceptions from building regulations and ordinances;

(e) Lend or donate money to the agency, and to make commitments for such loans or donations;

(f) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the Federal government respecting action to be taken by such State public body pursuant to any of the powers granted by this act;

(g) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds; and

(h) Do any and all things, not prohibited by law necessary or convenient to aid and cooperate in the planning, undertaking, construction, or operation of such redevelopment projects.

In connection with any public improvements made by a State public body in exercising the powers herein granted, such State public body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a State public body without appraisal, public notice, advertisement or public bidding, pursuant to a resolution adopted by such body.

#### Article 9.5. Redevelopment Revolving Fund

SEC. 45.5. The legislative body of any community, at any time after it has adopted a resolution declaring that there is need for an agency to function in the community, may establish a Redevelopment Revolving Fund. For the purpose of raising moneys to be deposited in such fund, the community may issue and sell its general obligation bonds. Any general obligation bonds to be issued by any community pursuant to the provisions of this section shall be authorized and issued in the manner and within the limitations, except as herein otherwise provided, prescribed by the laws of this State or the charter of the community for the issuance and authorization of bonds thereof for public purposes generally. Irrespective of any limitation, by general or special law, as to the amount of bonds which may be issued, a community may issue bonds, for the purposes defined by this section, in excess of such limitation, in such amount as may be authorized by an ordinance submitted to and approved by the voters of such community at any general or special election. The legislative body may also deposit in the fund moneys from general or special funds of the community available for this purpose. All moneys received by the agency from the sale or lease of property acquired with moneys from the Redevelopment Revolving Fund shall be redeposited in the fund.

SEC. 45.6. Any money in the Redevelopment Revolving Fund may be expended from time to time, upon resolution of the legislative body, for the acquisition of real property in any project area or for the clearance and preparation of any project area for redevelopment.

SEC. 45.7. No property acquired in whole or in part with moneys from the Redevelopment Revolving Fund shall be sold at a price which will return to the Redevelopment Revolving Fund less than ninety per cent (90%) of that part of the cost of

such property paid from such fund, except by permission of the voters of the community, as indicated by a majority of the votes cast on the proposition at any general or special election. If property acquired with moneys from the Redevelopment Revolving Fund is leased by the agency, then the legislative body may accept obligations of the agency to the fund, in lieu of cash repayment.

#### Article 10. Redevelopment Plans

SEC. 46. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan or plans for each project area referred to it pursuant to this act and for that purpose may hold hearings and conduct examinations, investigations, and other preliminary negotiations.

SEC. 47. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of any or all of such property if the owners shall agree to participate in such redevelopment in conformity with the redevelopment plan for the area formulated by the agency. This provision does not prohibit such owners from submitting an alternative plan as provided in this act.

SEC. 48. Every redevelopment plan which contemplates participation in the proposed redevelopment by an owner or owners of property in the area, shall contain alternative provisions for redevelopment of such property if the owner or owners shall fail to participate in such redevelopment as agreed.

SEC. 49. A redevelopment plan for a project area shall be based upon the approved tentative plan and shall conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans and whenever a redevelopment plan is submitted to a legislative body the planning commission shall report to the legislative body within 30 days on the redevelopment plan and its conformity to the master or general plan of the community.

SEC. 50. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project area in sufficient detail that the legislative body may determine the economic feasibility of the plan.

SEC. 51. Every redevelopment plan shall contain provisions showing the amount of open space to be provided, street layout, limitations on type, size, height, number and proposed use of buildings, number of dwelling units, the property to be devoted to public purposes, and the nature of such purposes, and such other covenants, conditions and restrictions as the legislative body may prescribe.

SEC. 52. A redevelopment plan may provide for the acquisition by gift, purchase, lease, or condemnation of all or any portion of the real property in the project area by the agency.

SEC. 53. A redevelopment plan shall provide for the lease or sale by the agency of real property, except property conveyed to a public agency or for a public use, acquired by it to private persons, firms, or corporations or to any public or private agency, but any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

SEC. 54. A redevelopment plan may provide for the issuance of bonds by the agency and the expenditure of the proceeds from the sale thereof in carrying out the redevelopment plan.

SEC. 55. Upon the formulation or adoption of a redevelopment plan the agency shall submit it to the legislative body.

#### Article 11. Adoption of Redevelopment Plan

SEC. 56. Upon submission to it of a redevelopment plan or plans the legislative body shall set a time and fix a place for a public hearing on the adoption of such a plan. The time of hearing shall be not more than 30 days after receiving the plan from the agency. Notice of said hearing shall be given by publication in at least one issue of a newspaper of general circulation, printed and published in the community, or if no such newspaper is printed and published in the community, then in a newspaper selected by the legislative body, which notice shall be published not less than 10 days prior to the hearing.

SEC. 57. At any time prior to the time set for hearing on the adoption of a redevelopment plan by the legislative body, any person, firm, association or corporation or any public or private agency qualified so to do may present to the legislative body an alternative redevelopment plan for the project area.

SEC. 58. Any alternative redevelopment plan shall be referred to the planning commission of the community which shall report within 30 days on such plan and its conformity to the master or general plan of the community. The hearing on a redevelopment plan submitted by the agency may be postponed or continued from time to time in order to allow time for the planning commission to report on any alternative plan presented to the legislative body, but no such postponement or continuation shall aggregate more than 30 days.

SEC. 59. At the hearing the legislative body shall consider the redevelopment plan or plans submitted by the agency and any alternative plan submitted in accordance with this act and all evidence and testimony for or against the adoption of said plan or plans.

SEC. 60. On the question of the adoption of any redevelopment plan the legislative body shall determine whether or not the plan if carried out would redevelop the area in conformity with this act and in the interests of the public peace, health, safety, and welfare.

SEC. 61. The legislative body shall also consider whether or not the adoption and carrying out of the redevelopment plan is economically sound and feasible and in that connection shall consider whether or not the public benefits to be derived from carrying out the plan would be commensurate with the expenditure of public funds in conformity to the plan.

SEC. 62. If alternative plans are submitted, the legislative body shall give preference to that plan which it deems will best redevelop the project area in conformity with the purposes and policy of this act and the master or general plan for the community and which requires the least interference with the continued enjoyment of existing property rights consistent with the purposes of this act.

SEC. 63. If the legislative body determines that the redevelopment plan conforms to the master or comprehensive plan of the community, that such plan is economically sound and feasible, and that the carrying out of the plan would promote the public peace, health, safety and welfare of the community and would effectuate the purposes and policy of this act, the legislative body may adopt by resolution the plan as the official redevelopment plan for the project area.

SEC. 64. If the plan provides for the expenditure of any money by the community the legislative body shall provide for such expenditure at the time of or in connection with the approval of the plan.

SEC. 65. If the plan provides for the opening, closing, widening, or changing the grade of any streets or alleys or any other modification of the street layout in the project area, the legislative body shall declare its intention to institute proceedings therefor at the time of or in connection with the adoption of the plan.

SEC. 66. If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains adequate provisions for payment for property so acquired as provided by law.

SEC. 67. If the plan provides for the issuance of bonds or other obligations of the agency, the legislative body shall not approve the plan unless it contains adequate provision for the payment of the principal and interest on such bonds as the same may become due and payable.

SEC. 68. If the plan provides for the displacement, whether temporary or permanent, of any occupants of housing facilities in the project area, the legislative body shall not approve the plan, except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those obtaining at the time of their displacement.

The legislative body shall further be satisfied that such permanent housing facilities shall, in any event, be made available within three years from the time such occupants will be displaced; and that pending the development of such permanent housing facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those obtaining generally at the time of their displacement.

If persons of low income (as defined in the Housing Authorities Law) are to be displaced, the legislative body shall, prior to its approval of the redevelopment plan, obtain and consider the recommendations of the Housing Authority, if any, authorized to transact business in the community, with respect to the availability and provision of adequate housing for such persons of low income.

SEC. 69. No plan shall be approved unless it contains adequate safeguards that the work of redevelopment will be carried out in accordance with the plan and provides for the retention of controls and the establishment of any restrictions or covenants for such periods of time and under such conditions as in the judgment of the legislative body are necessary to effectuate the purposes of this act, which shall run with land sold or leased for private use. The establishment of such controls is hereby declared to constitute a public purpose under the provisions of this act.

SEC. 70. The adoption of a redevelopment plan by a legislative body shall be by resolution. Such resolution shall

(a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan.

(b) Set forth the purposes and intent of the legislative body with respect to the project area.

(c) Refer specifically to the determinations required in other sections of this article.

(d) Contain by reference to maps, reports, and other information the full details of the approved plan, and

(e) Designate the approved plan as the official redevelopment plan of the project area.

Upon the filing of such resolution with the clerk or other appropriate officer of the legislative body the responsibility for the carrying out of the plan shall be vested in the agency.



SEC. 71. The legislative body may, in its discretion, require that the agency, before entering into any contracts for the execution of the redevelopment plan or any portion thereof, shall have such contracts approved by the legislative body.

SEC. 72. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by an owner or owners of such property, and if for a period of 30 days after the adoption of such plan, any such owner fails or refuses to enter into a binding agreement to carry out such participation in the redevelopment in accordance with such plan, the applicable alternative provisions of the redevelopment plan, provided for in Section 48 of this act shall become effective as the official redevelopment plan of the project area. The legislative body may, at its discretion, extend said 30 day period by not more than 60 days.

SEC. 73. After the adoption of the redevelopment plan and after the expiration of the period provided for in Section 72 of this act, further proceeding with reference to redevelopment of the project area shall be stayed for a period of 30 days. The time for the commencement of actions to contest the validity of the proceedings prescribed by the foregoing provisions of this act shall be barred upon the expiration of said period of 30 days, and no action thereafter commenced shall raise any question concerning the validity of the proceedings provided for in the foregoing provisions of this act, and in all actions commenced after the expiration of said period of 30 days, except as to matters affecting jurisdiction, the validity of the proceedings prescribed by the foregoing provisions of this act shall be conclusively presumed.

Upon the expiration of said 30-day stay, the agency shall have the authority to execute such plan.

#### Article 12. Eminent Domain Proceedings

SEC. 74. The agency shall have the right to acquire all or any part of the real property within the project area by the exercise of the power of eminent domain in accordance with the provisions of the Code of Civil Procedure and other applicable provisions of law.

SEC. 75. Property already devoted to a public use may be acquired by the agency by the exercise of the power of eminent domain, except that no property of a State public body may be acquired without its consent.

SEC. 76. In any proceeding in eminent domain the approval of the legislative body of the redevelopment plan under which the agency is proceeding is conclusive evidence of the public convenience and necessity of the acquisition, that the purpose is a public purpose, and that the use for which the property is to be acquired is a public use.

SEC. 77. A copy of the resolution of the legislative body approving the redevelopment plan, certified by the clerk of the legislative body or other custodian of such resolution, shall be sufficient evidence in any proceedings of the adoption of the resolution.

#### Article 13. Bonds of the Agency

SEC. 78. An agency shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An agency shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the redevelopment projects financed with the proceeds of such bonds, or with such proceeds together with financial assistance from the State or Federal governments in aid of such project; (b) exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of such bonds; (c) from its revenues generally; (d) from any contributions or other financial assistance from the State or Federal governments; or (e) by any combination of these methods. Any of such bonds may be additionally secured by a pledge of any revenues or a mortgage of any redevelopment project, projects or other property of the agency.

Neither the members of an agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of any agency (and such bonds and obligations shall so state on their face) shall not be a debt of the community, the State or any political subdivision thereof and neither the community, nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said agency. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

SEC. 78.5. For the purposes of this act, no agency shall sell, offer for sale, negotiate for the sale of, or take subscriptions for any bonds of its own issue, to, with or from the public, until it has first applied for and secured from the Commissioner of Corporations a permit authorizing it so to do.

The application shall be made and the permit issued in accordance with reasonable regulations therefor which the commissioner is hereby authorized to adopt and amend from time to time. The commissioner shall issue the permit if he finds that the project is financially sound and that the sale of the bonds would not be unfair, unjust or inequitable to the purchasers thereof. The provisions of the Corporate



Securities Act, to the extent not inconsistent herewith, are incorporated herein, in so far as relates to applications for permits and the issuance of permits as required by the provisions of this section.

SEC. 79. Bonds of an agency shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding four and one-half per cent ( $4\frac{1}{2}\%$ ) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to such sale in a newspaper of general circulation published in the community, or, if no such newspaper be published in the community, then in a newspaper of general circulation published in the county; provided, however, that such bonds may be sold at not less than par to the Federal Government at private sale without any advertisement.

In case any of the members or officers of the agency whose signatures appear on any bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bonds of an agency or the security thereof, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project shall be conclusively deemed to have been issued for a redevelopment project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this act.

SEC. 80. In connection with the issuance of bonds, an agency, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for development or other costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said agency, to take possession of any redevelopment project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the agency with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to

provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part of combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the discretion of said agency, except as otherwise provided in this act as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated herein.

SEC. 81. An obligee of an agency shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said agency and the members, officers, agents or employees thereof to perform each and every term, provision, and covenant contained in any contract of said agency with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said agency and the fulfillment of all duties imposed upon said agency by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said agency.

SEC. 82. An agency shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event or default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any redevelopment project or any part thereof to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of any redevelopment project of said agency or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such redevelopment project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in separate account or accounts and apply the same in accordance with the obligations of said agency as the court shall direct.

(c) To require said agency and the members and employees thereof to account as if it and they were the trustees of an express trust.

SEC. 83. The bonds of an agency are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom shall be exempt from all taxes.

SEC. 84. Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by an agency, as herein defined, and such bonds and other obligations shall be authorized security for all public deposits; it being one of the purposes of this act to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this act shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

#### Article 14. Exemption from Execution

SEC. 85. All real property of an agency shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an agency be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues.

#### Article 15. Aid from Federal Government

SEC. 86. In addition to the powers conferred upon an agency by other provisions of this act, an agency is empowered to borrow money or accept financial or other assistance from the Federal or State Governments for or in aid of any redevelopment project within its area of operation, and to such ends comply with any conditions attached thereto.

**Article 16. Payment of Prevailing Wages**

SEC. 87. Any work of grading, clearing, demolition or construction, of a value of more than one thousand five hundred dollars (\$1,500) undertaken by the agency shall be done by contract, subject to the same provisions of law relating thereto and to the letting thereof, which are applicable to similar contracts of the community. Before awarding any contract for such work to be done in a project, or otherwise undertaking any work therein, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract itself what the general prevailing rate of per diem wages and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract or work. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract. The contractor shall as a penalty to the agency who awarded the contract forfeit ten dollars (\$10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him and the agency awarding the contract shall cause to be inserted in the contract a stipulation to this effect. Each contractor and subcontractor shall keep an accurate record showing the name, occupation and the actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency awarding the contract.

**Article 17. Cooperation Between Communities**

SEC. 88. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

SEC. 89. Two or more communities may jointly exercise the powers granted under this act and in such case the planning commissions, legislative bodies, and agencies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of either community to act as the agency of all of the communities interested. In this event the agency shall cooperate with the planning commission of each community in formulating redevelopment plans, and whenever a redevelopment plan is submitted to the legislative body the planning commission shall report to the legislative body of its community within 30 days on the redevelopment plan and its conformity to the master or general plan of the community.

The legislative body of a county may by resolution consent to the inclusion by an agency for a city or a city and county of any unincorporated areas of such county within a redevelopment project area. The legislative body of a city may by resolution consent to the inclusion by an agency for a county of any areas within such city within a redevelopment project area.

**Article 18. Severability of Provisions**

SEC. 90. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

**Amendment No. 4**

Strike out all of pages 2 to 16, inclusive, of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 43  
Senate Bill No. 45  
Senate Bill No. 111  
Senate Bill No. 220  
Senate Bill No. 221

Senate Bill No. 335  
Senate Bill No. 396  
Senate Bill No. 393  
Senate Bill No. 618

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.



ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 116

Senate Bill No. 422

Senate Bill No. 161

Senate Bill No. 703

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 325

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

**Assembly Bill No. 325**—An act to add Sections 1128, 1129, 1130, 1131 and 1132 to the Streets and Highways Code, relating to the laying out of private or byroads.

Referred to Committee on Transportation.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 1571

Assembly Bill No. 1572

Assembly Bill No. 1812

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading.

##### Committee on Education

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 300

Assembly Bill No. 26

Assembly Bill No. 602

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 839

Assembly Bill No. 1066

Assembly Bill No. 274

Assembly Bill No. 1067

Assembly Bill No. 595

Assembly Bill No. 1727

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.



SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 932

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1570

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1610

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

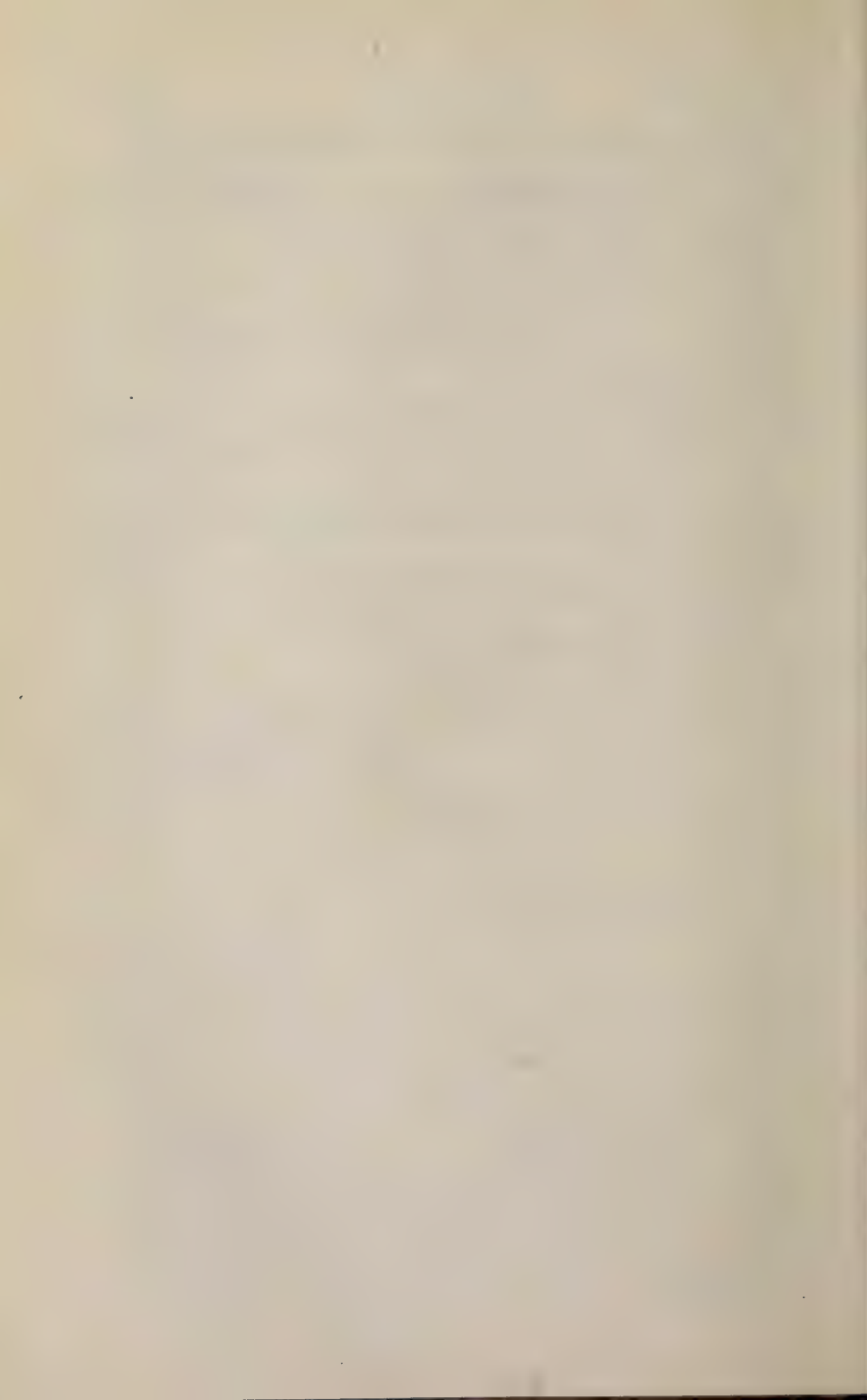
DELAP, Chairman

Above reported bill ordered to second reading.

**ADJOURNMENT**

At 5.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, May 4, 1945.

JOHN F. LEA, Minute Clerk



# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

SIXTY-FIRST LEGISLATIVE DAY

ONE HUNDRED SEVENTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 4, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Seawell, due to legislative business.

Senator Fletcher, on motion of Senator Seawell, due to legislative business.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ben Conrad of Arroyo Grande.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bill Doran, of San Francisco, and Bob Kaber, of St. Louis, Missouri, umpires, Pacific Coast League.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Burns, Collins, Sam L. and Emlay as a Committee on Conference concerning:

**Senate Bill No. 1201**—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 666**

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

**Senate Bill No. 1032**

**Assembly Bill No. 54**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

**Senate Bill No. 838**

**Assembly Bill No. 53**

**Assembly Bill No. 1493**

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

**Assembly Bill No. 607**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

**Assembly Bill No. 19**

**Assembly Bill No. 246**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.



**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 608

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 555

Assembly Bill No. 2165

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 272

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 116**—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 116?

**Amendment No. 1**

On page 1 of the printed bill, as amended, after line 16, insert

"This section, except to the extent that it states or declares the law in effect prior to the effective date of this section, shall not apply in any disciplinary proceeding pending on said date in this State or thereafter commenced in this State against any attorney based on charges which were the subject of a disciplinary proceeding in this State against the same attorney prior to said date."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 116 by the following vote:

AYES—Senators Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 703**—An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 703?

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "4238," insert "4239, 4239.5,".

**Amendment No. 2**

In line 3 of the title of said bill, after "4265," insert "4266,".

**Amendment No. 3**

On page 3 of said bill, between lines 42 and 43, insert

"SEC. 2.5. Section 4239 of the Political Code is amended to read:

4239. In counties of the tenth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand two hundred dollars (\$4,200) per annum.

2. The district attorney, six thousand dollars (\$6,000) per annum, and in addition his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which charges and expenses incurred by him shall be a legal charge against the county. The district attorney shall not personally engage in private practice during office hours, but this does not preclude him from nominal appearances in uncontested civil matters.

3. Each supervisor, two thousand seven hundred dollars (\$2,700) per annum. In addition thereto, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor or as ex officio road commissioner, shall be paid six cents (\$0.06) per mile for all mileage traveled within a radius of 200 miles from the county seat; for any one trip over 200 miles, six cents (\$0.06) per mile for the first 200 miles of said trip, and three cents (\$0.03) for each mile traveled in excess of the first 200 miles of said trip. In addition thereto, each member shall be allowed his actual and necessary traveling expenses including meals and lodging, when required to leave the county on official county business.

4. Each trial juror for attendance in the superior court shall be allowed three dollars (\$3) for each day's attendance, and said trial juror shall be allowed mileage at the rate of seven cents (\$0.07) per mile for each and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court.

5. Each member of the grand jury shall be allowed three dollars (\$3) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of seven cents (\$0.07) per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

*The compensation provided by this section shall be paid to incumbent officers.*

**SEC. 2.6.** Section 4239.5 of the Political Code is amended to read:

4239.5. In counties of the tenth class, the chairman of the board of supervisors shall receive, in addition to the compensation provided by Section 4239, the sum of three hundred dollars (\$300) per year for services rendered as chairman of the board of supervisors.

*The compensation provided by this section shall be paid to incumbent officers.*

**Amendment No. 4**

On page 14, line 27, of the said bill, strike out "three dollars (\$3)", and insert "six dollars (\$6)".

**Amendment No. 5**

On page 14, line 29, of said bill, strike out "twenty-five cents (\$.25)", and insert "thirty-five cents (\$.35)".

**Amendment No. 6**

On page 16 of said bill, following line 44, insert

"SEC. 19½. Section 4266 of the Political Code is amended to read:

4266. In counties of the thirty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [eight hundred dollars (\$800)] *twelve hundred dollars (\$1,200)* per annum.

2. The district attorney, [two thousand five hundred dollars (\$2,500)] *two thousand eight hundred dollars (\$2,800)* per annum.

3. Each supervisor, [one thousand eight hundred dollars (\$1,800)] *two thousand two hundred dollars (\$2,200)* per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner. Each supervisor shall also receive six cents (\$.06) for each mile traveled on county business, but not in excess of the sum of forty dollars (\$40) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

4. Grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of [three dollars (\$3)] *six dollars (\$6)*, and mileage to be paid at the rate of thirty-five cents (\$.35) per mile for each mile actually and necessarily traveled from their residences to the county seat in going only; such mileage to be allowed but once during each session such jurors are required to attend same [; provided, that no one mileage shall exceed the sum of fifteen dollars (\$15)]. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county."

**Amendment No. 7**

On page 17, line 35, of said bill, strike out "dollars (\$4,000)", and insert "six hundred dollars (\$4,600)".

**Amendment No. 8**

On page 18, line 4, of said bill, strike out the period, and insert a comma and "provided that the increases in the compensation of the auditor, district attorney and the supervisors shall remain in effect only until the beginning of the seventh month following the cessation of hostilities in all wars in which the United States is now engaged and at that date the compensation of such officers shall revert to and be the same as it was prior to the increase hereinabove provided for."

**Amendment No. 9**

On page 24, line 49, of said bill, strike out "three dollars (\$3)", and insert "six dollars (\$6)".

**Amendment No. 10**

On page 24, line 52, of said bill, strike out "twenty-five cents (\$.25)", and insert "thirty-five cents (\$.35)".

**Amendment No. 11**

On page 5 of the printed bill, as amended, strike out line 46, and insert

"3. Each supervisor, three thousand nine hundred dollars (\$3,900) per annum".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 703 by the following vote:

AYES—None.

NOES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 269**—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof relating to loans.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, strike out the comma, and insert "or".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 270**—An act to amend the Building and Loan Association Act by amending Sections 9.09, 9.10 and 9.12 thereof relating to loans.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1, line 15, of the printed bill, as amended, strike out "date of said note", and insert "due date of the first installment".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1068**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2, line 10, of the printed bill, as amended, after "any", insert "bona fide".

**Amendment No. 2**

On page 2, line 13, of said bill, before the colon insert "; provided the provisions of this paragraph are not used for the purpose of evading this act".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**Senate Bill No. 1069**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2, line 11, of the printed bill, as amended, after "any", insert "bona fide".



**Amendment No. 2**

On page 2, line 13, of said bill before the colon insert " , provided the provisions of this paragraph are not used for the purpose of evading this act".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**Senate Bill No. 676**—An act to provide for the construction of urban and suburban dwelling accommodations for and acquisition for occupancy of farms and aid in establishing business for veterans of World War II at costs within their ability to pay, and provide means of employment for such veterans, including authority for the Veterans Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect of construction of homes, acquisition for occupancy of farms and creation of means of employment for veterans of World War II, to add Sections 67.3 and 80.3 to the Bank Act, to add Section 9.20 to the Building and Loan Association Act, to add Sections 1176.7, 1176.8 and 12443 to the Insurance Code, all of these additions being in aid of the aforesaid purposes, declaring the urgency thereof to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 3, line 20, of the printed bill, after "World War II", insert " , or any person who shall have served in such armed forces during World War I".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1242**—An act to amend Section 784 of the Probate Code, relating to notices of sale of real property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "644a", and insert "644. (a)".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 4 to 10, inclusive, and insert "the crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson as defined in Section 447a of this code, murder, assault with intent to commit murder, train wrecking, felonious assault with a deadly weapon, extortion, kidnapping, escape from a State prison by use of force or dangerous or deadly weapons, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy".

**Amendment No. 3**

On page 1, line 14, of the printed bill, as amended, strike out "penitentiary", and insert "penal institution".

**Amendment No. 4**

On page 1, line 15, of the printed bill, as amended, strike out "in the"; and strike out lines 16 to 23 inclusive, and insert "burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a State prison,".

**Amendment No. 5**

On page 1, line 25, of the printed bill, as amended, strike out "10", and insert "12".

**Amendment No. 6**

On page 2 of the printed bill, as amended, strike out lines 5 to 11, inclusive, and insert "crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson as defined in Section 474a of this code, murder, assault with intent to commit murder, train wrecking, felonious assault with a deadly weapon, extortion, kidnaping, escape from a State prison by use of force or dangerous or deadly weapons, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy to commit".

**Amendment No. 7**

On page 2, line 15, of the printed bill, as amended, strike out "penitentiary", and insert "penal institution".

**Amendment No. 8**

On page 2, line 16, of the printed bill, as amended, strike out "in the first", and insert a comma.

**Amendment No. 9**

On page 2 of the printed bill, as amended, strike out lines 17 to 24, inclusive, and insert "burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a State prison, rape or".

**Amendment No. 10**

On page 2, line 26, of the printed bill, as amended, strike out "10", and insert "12".

**Amendment No. 11**

On page 2 of the printed bill, as amended, strike out line 43, and insert "15 years with benefit only of credits as provided in Section 2920 of this code. A record shall be kept of credits which would have been earned under Sections 2789, 2921 and 2922 of this code had they been applicable to said person, and such credits may be considered by the Adult Authority in granting paroles but shall not reduce the minimum term herein specified."

**Amendment No. 12**

On page 2 of the printed bill, as amended, strike out line 48, and insert "of at least 20 years with benefit only of credits as provided in Section 2920 of this code. A record shall be kept of credits which would have been earned under Sections 2789, 2921 and 2922 of this code had they been applicable to said person, and such credits may be considered by the Adult Authority in granting paroles but shall not reduce the minimum term herein specified."

**Amendment No. 13**

On page 3, line 4, of the printed bill, as amended, after "code", insert "as amended by this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 300**—An act to amend Section 1804 of the Education Code, relating to the election of school trustees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 839**—An act to add Section 8722.1 to the Education Code, relating to the establishment and maintenance of high schools and the support thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 9, of the printed bill, strike out "petition", and insert "submit to the Superintendent of Public Instruction a petition addressed to".

**Amendment No. 2**

On page 1, line 10, of said bill, strike out "to", and insert "petitioning said board".

**Amendment No. 3**

On page 1, line 15, of said bill, after the comma insert "he shall note his approval thereon and forward it to".

**Amendment No. 4**

On page 1, line 16, of said bill, strike "shall", and insert "not later than June 1. The said governing board shall then".

**Amendment No. 5**

On page 1, line 24, of said bill, strike out "contiguous thereto".

**Amendment No. 6**

On page 1, line 24, of said bill, after "is", insert "within 60 miles of such".

**Amendment No. 7**

On page 1, line 25, of said bill, strike out "100 miles or more from any other".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 932**—An act making appropriations for the purchase of lands for building sites at the Humboldt State College.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "one hundred fifty thousand dollars (\$150,000)", and insert "two hundred thousand dollars (\$200,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 382**—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1408**—An act to amend Section 68 of the Bank Act, relating to deposits by saving banks in other banks.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2, line 22, of the printed bill, strike out "any", and insert "all".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 426**—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4 and 10972 of the Insurance Code, to repeal Section 10241 thereof, and to add Section 10498.6 to said code, all relating to insurance.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

##### Amendment No. 1

On page 1, line 14, of the printed bill, as amended, after "incorporated", insert "or unincorporated".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1405**—An act to amend Section 83 of the Bank Act, relating to loans to officers, directors and employees of commercial banks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1406**—An act to amend Section 65 of the Bank Act, relating to loans to officers, directors and employees of savings banks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1407**—An act to add a new section to the Bank Act, to be numbered 136e, relating to the sale or compromise of bad or doubtful debts by the Superintendent of Banks when liquidating a bank.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 349**—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 795**—An act to add Article 8.5, comprising Section 11160, to Chapter 10 of Part 2 of Division 2 of the Insurance Code, relating to agents of fraternal benefit societies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 796**—An act to amend Section 11116 of the Insurance Code, relating to fraternal benefit societies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 917**—An act to amend Section 10240 of the Insurance Code, and to add Section 10242 thereto, relating to burial insurance.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1319**—An act to amend Sections 1326 and 1351 of, and to add Section 1350.5 to, the Insurance Code, relating to reciprocal insurers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1322**—An act to repeal Section 4 of an act entitled "An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance and life insurance analysts," approved July 12, 1941, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1327**—An act to amend Sections 10970, 11061, 11118, 11344, and 11345 of the Insurance Code, relating to fraternal benefit societies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1048**—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1486**—A bill to amend the Building and Loan Association Act, by amending Section 1.01 thereof, relating to definitions, Section 2.08 thereof, relating to qualifications of directors, Section 8.01 thereof, relating to voting rights, Section 10.03 thereof, relating to apportionment of profits of associations, Section 12.10 thereof, relating to forms, and by adding thereto a new section to be numbered 12.08, relating to membership of borrowers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 919**—An act to amend Section 136d of the Bank Act, relating to the disposition of property held as trustee or in safekeeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 182**—An act to amend Section 3472, and to repeal Section 3474, of the Welfare and Institutions Code, relating to aid to the blind.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out " and to repeal Section 3474,".

**Amendment No. 2**

On page 1 of said bill, strike out line 25.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 183**—An act to amend Section 3401.5 of the Welfare and Institutions Code, relating to aid to the blind.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, lines 6 and 7, of the printed bill, strike out “, aged persons, and orphans and other needy children”, and insert after the period “It is recognized that the needs of blind persons may be different from the needs of aged persons.”

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 194**—An act to amend Section 3002 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, lines 6 and 7, of the printed bill, strike out “, aged persons, and orphans and other needy children”, and insert after the period “It is recognized that the needs of blind persons may be different from the needs of aged persons.”

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 191**—An act to repeal Section 3088 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

In line 1 of the title, of the printed bill, strike out “Section 3088”, and insert “Sections 3088 and 3474”.

**Amendment No. 2**

On page 1, line 1, of said bill, strike out “Section 3088”, and insert “Sections 3088 and 3474”.

**Amendment No. 3**

On page 1, line 2, of said bill, strike out “is”, and insert “are”.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**Assembly Bill No. 407**—An act to amend Section 513 of the Code of Civil Procedure, relating to claim and delivery of personal property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 850**—An act to add Section 4011.5 to the Penal Code, relating to emergency removal of prisoners to hospitals from jails.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 296**—An act to amend Section 771 of the Probate Code, relating to the sale of personal property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 217**—An act to amend Sections 1730 and 1771 of the Code of Civil Procedure, relating to children's courts of conciliation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1057**—An act to amend Section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entry, forcible or unlawful detainer.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 24**—An act to amend Section 446 of the Code of Civil Procedure, relating to the verification of pleadings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 157**—An act to amend Section 4321 of the Political Code, relating to inventories.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1177**—An act to amend Section 754.5 of the Probate Code, relating to the sale of personal and real property as a unit.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 68**—An act to amend Sections 1 and 2, and to amend and renumber Section 3 of, to repeal Section 1a of, and to add new Sections 3, 4, and 5 to, an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 3, line 48, of the printed bill, as amended, strike out "and", and insert a comma.

##### Amendment No. 2

On page 3, line 49, of said bill, between "county", and "and", insert a comma.

##### Amendment No. 3

On page 3, line 50, of said bill, strike out "hereby", and insert "severally".

##### Amendment No. 4

On page 3, line 51, of said bill, after "expenses", insert "as".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 523**—An act amending Section 8 of, and adding Sections 8.5 and 18 to, an act entitled, "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to weapons.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 16, of the printed bill, after the period, insert "No county shall require the payment of a fee except as hereinafter provided."

##### Amendment No. 2

On page 2, lines 19, 20 and 21, of the printed bill, strike out "A city or city and county, by ordinance, may impose a fee not to exceed two dollars for permits issued within such city or city and county. A county", and insert "Any county having a population in excess of nine hundred thousand (900,000)".

##### Amendment No. 3

On page 2, lines 22 and 23, of the printed bill, strike out "within the unincorporated territory of such county.", and insert "by the sheriff."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 942**—An act to amend Section 788 of the Probate Code, relating to the sale of real property in probate.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 13, of the printed bill, strike out "purchaser".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1571**—An act to amend Sections 6925, 6926, 6927, 6928, 6929, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938, 6939, 6940, 6941, 6942, and 6943 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 11 of the printed bill, after line 13, insert  
"SEC. 20. The provisions of this act amending the Business and Professions Code shall become operative only if Senate Bill No. 705 is not enacted by the Legislature at its Fifty-sixth Session."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1572**—An act to amend Sections 6925, 6926, and 6930, and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 2 of the printed bill, after line 50, insert  
"SEC. 5. The provisions of this act amending and repealing sections of the Business and Professions Code shall become operative only if Senate Bill No. 705 is enacted at the Fifty-sixth Session."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1812**—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 4 of the printed bill, as amended, between lines 17 and 18, insert  
"9028.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of certificates under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 26**—An act to amend Section 5006 of the Education Code, relating to fidelity bonds of employees of school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 602**—An act to amend Section 1597 of the Education Code and to add Section 1597.1 to said code, relating to the liability of school districts to taxation for bonded indebtedness.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 274**—An act to amend Sections 19601, 19613, and 19616 of the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 21, of the printed bill, as amended, after "agency", insert "other than a school district".

**Amendment No. 2**

On page 2, line 5, of said bill, strike out "SEC. 5.", and insert "SEC. 3."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 595**—An act to amend Sections 5453, 5457, 7102, 7103, 7105, 7135, 7136, 7137, 7202, 7203 and 7205 of the Education Code and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "7105,".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "7137,".

**Amendment No. 3**

In line 2 of the title of said bill after "Code", insert ". to add Sections 7105.2 and 7137.2 to said code,".

**Amendment No. 4**

On page 2 of said bill, strike out lines 23 to 38, inclusive, and insert

"SEC. 5. Section 7105.2 is added to said code, to read:

"7105.2. Notwithstanding anything in Section 7105 to the contrary, no apportionment shall be made thereunder to any high school district on account of any separate junior college or combined high school and junior college for any average daily attendance in any of the classes named in said section."

**Amendment No. 5**

On page 3, of said bill, strike out lines 1 to 16, inclusive, and insert

"SEC. 8. Section 7137.2 is added to said code, to read:

"7137.2. Notwithstanding anything in Section 7137 to the contrary, no apportionment shall be made thereunder to any high school district on account of any separate junior college or combined high school and junior college for any average daily attendance in any of the classes named in said section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1066**—An act amending Section 8703 of, and adding Sections 8722.1 and 10502.1, to the Education Code, relating to continuation high schools.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 8703", and insert "Sections 7103, 7136 and 8703".

**Amendment No. 2**

On page 1 of said bill, following line 15, insert

"SEC. 4. Section 7103 of said code is amended to read:

"7103. He shall apportion to each high school district two thousand two hundred dollars (\$2,200) for each evening high school *and for each continuation high school* and one thousand one hundred dollars (\$1,100) for each evening junior college maintained during the preceding school year. The apportionment shall be made only for evening high schools and junior colleges *and continuation high schools* which comply with all requirements made by the State Board of Education.

"SEC. 5. Section 7136 of said code is amended to read:

"7136. He shall allow for each high school district one thousand dollars (\$1,000) for each evening high school *and for each continuation high school*, and five hundred dollars (\$500) for each evening junior college maintained during the preceding school year. The apportionment shall be made only for evening high schools and junior colleges *and continuation high schools* which comply with all the requirements made by the State Board of Education."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1067**—An act amending Section 9032 of the Education Code, relating to continuation education classes.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, strike out "may", and insert "is authorized to, and may".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1727**—An act to amend Sections 6301 to 6306, inclusive, and Section 6334 of the Education Code, relating to school district budgets.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 20, of the printed bill, as amended, strike out "item", and insert "land, building, and equipment classifications".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1570**—An act to amend Sections 6854, 6855, 6857, 6860, 6861, 6862, 6863, 6864, 6865, 6871, 6876, 6877, 6878, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6950, 6951, and 6956, and to add Sections 6866 and 6947, and to amend and

renumber Sections 6866 and 6867, and to renumber Sections 6939 and 6940, and to repeal Section 6944 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1610**—An act to add Section 1001 to the Business and Professions Code, relating to chiropractors.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 2, line 3, of the printed bill, strike out "prima facie".

##### Amendment No. 2

On page 2 of said bill, strike out lines 4 to 10, inclusive, and insert "persons named in it to practice unless his certificate to practice chiropractic has been canceled, suspended or revoked. The board may collect from each person who voluntarily subscribes to or purchases a copy of the directory the cost of publication and distribution thereof."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### MOTION TO CONSIDER ASSEMBLY BILLS

At 11 a.m., Senator Seawell moved that the Senate refer to the Assembly third reading file for the purpose of considering Assembly Bills.

Motion carried.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 638**—An act to add Section 480 to the Penal Code, relating to the powers and duties of the Attorney General.

Bill read third time, and presented by Senator Quinn.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Swing, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 31**—An act to amend Section 5439 of and add Sections 5439.5 and 5460 to the Public Resources Code, relating to county recreation districts.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, DeLap, Desmond, Dilworth, Donnelly, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Swing, and Weybret—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 894**—An act to repeal Section 1046 of, and to add a new Section 1046 to, the Military and Veterans Code, relating to estates of incompetent veterans.

Bill read third time, and presented by Senator Gordon.



The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 962**—An act to add Article 3.3 to Chapter 2 of Division 10 of the Education Code, relating to leaves of absence for employees of State colleges not serving in State civil service.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Assembly Bill No. 1297**—An act to repeal Section 842.5 of, and to add a new Section 842.5 to, the Fish and Game Code, relating to the use of nets and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Carter.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 354**—An act to add Section 44.6 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Breed.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 397**—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

#### POSTPONEMENT OF RECONSIDERATION

Senator Salsman moved that his motion to reconsider the vote whereby Assembly Bill No. 397 was passed, be continued to the next legislative day.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 529**—An act to amend Section 784.6 of the Agricultural Code, relating to dried fruits.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1082**—An act to add Section 82.5 to the Agricultural Code, relating to boards of directors of district agricultural associations.

Bill read third time.

#### Motion to Re-refer Assembly Bill No. 1082

Senator Weybret moved that Assembly Bill No. 1082 be re-referred to Committee on Agriculture.

Motion carried.

Assembly Bill No. 1082 ordered re-referred to Committee on Agriculture.

**Assembly Bill No. 716**—An act to amend Section 631 of the Agricultural Code, relating to pasteurization.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 719**—An act to amend Section 723 of the Agricultural Code, relating to revocation of licenses.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 720**—An act to amend Section 673 of the Agricultural Code, relating to factory licenses.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 721**—An act to amend Section 656 of the Agricultural Code, relating to substances prohibited in milk or milk products.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 722**—An act to amend Section 662 of the Agricultural Code, relating to milk and milk products reports.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 723**—An act to amend Section 671 of the Agricultural Code, relating to milk products manufacturing license.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 159**—An act to amend Sections 15212, 16271 and 16272 of the Revenue and Taxation Code and Section 74 of the Gift Tax Act of 1939, relating to and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 33**—Relative to memorializing Congress to erect a Statue of Freedom on the Coast of California.

Resolution read, and presented by Senator Tenney.

#### Previous Question

Senator Seawell moved the previous question.

Motion carried.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### Secretary J. A. Beek at the Desk

**Assembly Bill No. 852**—An act to amend Section 27 of the Corporate Securities Act, relating to the abolishment of the Corporation Commission Appraisal Fund and providing for reports of experts.

Bill read third time, and presented by Senator DeLap.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 853**—An act to amend Section 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to review of acts of the commissioner.

**Motion to Refer Bill to Inactive File**

Senator DeLap moved that Assembly Bill No. 853 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 854**—An act to amend Section 22.5 of the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939 and Section 23 of the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, relating to review of acts of the commissioner.

**Motion to Refer Bill to Inactive File**

Senator DeLap moved that Assembly Bill No. 854 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 855**—An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 856**—An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 857**—An act to amend Section 8 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such secur-

ity owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof." approved July 1, 1937, relating to review of acts of the commissioner.

**Motion to Refer Bill to Inactive File**

Senator DeLap moved that Assembly Bill No. 857 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 858**—An act to amend Section 7 of the Industrial Loan Act, relating to surplus.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 859**—An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 860**—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 861**—An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 862**—An act to add Section 21.2 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to the issuance of injunctions.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 863**—An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 864**—An act to add Section 20.2 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to the issuance of injunctions.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 865**—An act to amend Section 15 of the Corporate Securities Act, relating to review of orders, decisions, permits and other official acts of the Commissioner of Corporations.

**Motion to Refer Bill to Inactive File**

Senator DeLap moved that Assembly Bill No. 865 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 869**—An act to amend Section 2 and Section 26 of the Corporate Securities Act, relating to definitions, exemptions and fees.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 37**—Relative to the creation of a Joint Committee to investigate prices of fresh fruits.

Resolution read, and presented by Senator Crittenden.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 792**—An act to amend the Building and Loan Association Act by amending Section 13.07 thereof, relating to appraisements.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 98**—An act to add Section 1269b to the Penal Code, relating to bail.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1732**—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—Senator Keating—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 38**—An act to validate the formation, organization and existence of county water authorities and the boundaries governing officers or boards, acts, and proceedings of such authorities.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1198**—An act to amend Sections 7058, 7066 and 7067 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents and providing for their commitment and parole or discharge.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 477**—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of, of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Bill read third time, and presented by Senator Biggar.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RE-REFER SENATE BILL NO. 835

Senator Jespersen moved that Senate Bill No. 835, A-16 on the inactive file, be re-referred to Committee on Governmental Efficiency.

#### Roll Call Demanded

Senators Desmond, McBride, and Ward demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Mayo, McCormack, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—20.

NOES—Senators Desmond, Gordon, Judah, Kuchel, McBride, Mixter, Quinn, Slater, and Ward—9.

Senate Bill No. 835 ordered re-referred to Committee on Governmental Efficiency.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.12 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Salsman's motion to continue reconsideration on Assembly Bill No. 397 to the next legislative day, carried by the following vote.

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

## NOTICE OF MOTION TO AMEND RULES

By Senator Seawell:

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rules Nos. 7 and 21 as follows:

Insert the following paragraph at the end of Rule 7:

"The Vice Chairman of the Committee on Rules shall, in the absence of the President pro tempore, perform the duties, and have all powers and authority of the President pro tempore."

Amend Rule 21 to read as follows:

"21. No standing rule of the Senate may be repealed or amended except upon an affirmative vote of a majority of the members of the Senate, one day's notice being given, but any rule not requiring more than a majority vote may be temporarily suspended by a vote of a majority of the members of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, and a rule requiring a two-thirds vote may be temporarily suspended only by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate."

Referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 170  
Senate Bill No. 297  
Senate Bill No. 390  
Senate Bill No. 391  
Senate Bill No. 395  
Senate Bill No. 401  
Senate Bill No. 770  
Senate Bill No. 771  
Senate Bill No. 772  
Senate Bill No. 773  
Senate Bill No. 774  
Senate Bill No. 775  
Senate Bill No. 776  
Senate Bill No. 777

Senate Bill No. 778  
Senate Bill No. 779  
Senate Bill No. 780  
Senate Bill No. 781  
Senate Bill No. 957  
Senate Bill No. 958  
Senate Bill No. 959  
Senate Bill No. 960  
Senate Bill No. 961  
Senate Bill No. 962  
Senate Bill No. 963  
Senate Bill No. 964  
Senate Bill No. 965  
Senate Bill No. 966

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 402  
Senate Bill No. 592

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 675

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bill was read the first time:

**Assembly Bill No. 675**—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund, repealing Chapter 100 of the Statutes of 1945, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

**REPORTS OF STANDING COMMITTEES****Appointment of Committee on Conference**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Cunningham, DeLap, and Hatfield as a Senate Committee on Conference concerning Senate Bill No. 703 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**REPORTS OF STANDING COMMITTEES****Committee on Elections**

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 585

Assembly Bill No. 592

Assembly Bill No. 588

Assembly Bill No. 593

Assembly Bill No. 589

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 139

Assembly Bill No. 586

Assembly Bill No. 591

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bills ordered to second reading.

**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 2087

Assembly Bill No. 334

Assembly Bill No. 329

Assembly Bill No. 1336

Assembly Bill No. 331

Assembly Bill No. 1337

Has had the same under consideration, and reports the same back with recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

SHELLEY, Chairman

Above reported bills ordered to second reading.

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred,

Senate Bill No. 947

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

**ADJOURNMENT**

At 1.19 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, May 7, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SIXTY-SECOND LEGISLATIVE DAY

ONE HUNDRED TWENTIETH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Monday, May 7, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Seawell, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Rosemary Stroder, teacher, and the following students of the Senior Class of Denair High School: Lila Howel, Glen Dame, Don Johnson, Lydia De Kelaita and Elaine Cappus.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Richard Desmond, son of Senator Desmond, and Lieutenant Carmen Soli of Mission, Texas, and Lieutenant K. Louise Hoffman of Palestine, Texas.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marka Johnson of Chualar.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Colonel Joseph C. Jackson and Private McDonald, WAC, both of Tennessee.

### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, May 7, 1945

*To the Honorable Members of the Senate, State of California,  
Sacramento, California,*

GREETINGS: I am permitting Senate Bill 688 to become law without my signature. I am of the opinion that a bill carrying into effect more nearly the desires of the people, as expressed in their vote on the Veterans Bond Act of 1943, could be passed.

The Veterans Welfare Board and its general manager are of the opinion that it is not necessary to charge veterans as much as 4 per cent interest under the bond issue. The Board presented its views to committees in behalf of a lower rate of interest and I am of the opinion its views are sound. It is my belief we have no right to charge the veterans more than is necessary to service the program and to have a reasonable margin of safety for loss. The State has had 23 years of experience in this field and I am assured by those who have been in charge of the program that these things can be accomplished at a rate of interest less than four per cent.

However, in view of the fact that Senate Bill 688 does afford some relief from the existing five per cent interest rate and offers some flexibility in the future, I am not vetoing it.

Respectfully submitted.

EARL WARREN, Governor

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 40	Assembly Bill No. 1180
Assembly Bill No. 41	Assembly Bill No. 1218
Assembly Bill No. 104	Assembly Bill No. 1243
Assembly Bill No. 256	Assembly Bill No. 1253
Assembly Bill No. 414	Assembly Bill No. 1281
Assembly Bill No. 563	Assembly Bill No. 1286
Assembly Bill No. 564	Assembly Bill No. 1389
Assembly Bill No. 565	Assembly Bill No. 1555
Assembly Bill No. 679	Assembly Bill No. 1624
Assembly Bill No. 698	Assembly Bill No. 1765
Assembly Bill No. 712	Assembly Bill No. 1775
Assembly Bill No. 779	Assembly Bill No. 1844
Assembly Bill No. 782	Assembly Bill No. 1978
Assembly Bill No. 922	Assembly Bill No. 1991
Assembly Bill No. 955	Assembly Bill No. 2137
Assembly Bill No. 997	Assembly Bill No. 2183

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 40**—An act to amend Section 737u of the Political Code, relating to salary of judge of the superior court in and for the County of Marin.

Referred to Committee on Local Government.

**Assembly Bill No. 41**—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the County of Sonoma.

Referred to Committee on Local Government.

**Assembly Bill No. 104**—An act to add Chapter 4, comprising Sections 250 to 255, inclusive, to Division 1 of the Welfare and Institutions Code, relating to probation officers.

Referred to Committee on Social Welfare.

**Assembly Bill No. 256**—An act to amend Section 252 of the Vehicle Code, relating to chauffeurs.

Referred to Committee on Transportation.

**Assembly Bill No. 414**—An act to add Section 25.2 to the Civil Code, relating to the age of majority for certain purposes of persons who have served in the armed forces of the United States, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 563**—An act to amend Section 438 of the Political Code and Section 12400 of the Government Code, both relating to the salary of the Controller.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 564**—An act to amend Section 415 of the Political Code and Section 12150 of the Government Code, relating to the salary of the Secretary of State.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 565**—An act to amend Section 455 of the Political Code and Section 12300 of the Government Code, relating to the salary of the State Treasurer.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 679**—An act to add Section 2102.1 to the Education Code, relating to the election of members of boards of education.

Referred to Committee on Education.

**Assembly Bill No. 698**—An act to amend Section 698 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

**Assembly Bill No. 712**—An act to add Section 6365 to the Revenue and Taxation Code, relating to exemptions from the sales and use taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 779**—An act to amend Section 8006 of the Education Code, relating to the maintenance by a school district of schools and classes outside its boundaries.

Referred to Committee on Education.

**Assembly Bill No. 782**—An act to amend Section 3129 of the Education Code, relating to elections of members of governing boards of high school districts.

Referred to Committee on Education.

**Assembly Bill No. 922**—An act to add Section 1225 to the Government Code, relating to the destruction of city records no longer required.

Referred to Committee on Local Government.

**Assembly Bill No. 955**—An act to add Article 1.5, comprising Section 20041, to Chapter 1 of Division 10 of the Education Code, relating to withdrawal of money from the State treasury by the Regents of the University of California.

Referred to Committee on Education.

**Assembly Bill No. 997**—An act to amend Sections 2 and 4 of the Judges' Retirement Act, relating to allowances of retired judges and justices.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1180**—An act to amend Section 79 of, and to add Section 79.1 to, the State Employees Retirement Act, providing that a city fireman or city policeman may retire under the provisions of said State Employees Retirement Act after he has completed 20 years of continuous service and upon reaching the age of 55 years.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1218**—An act to add Sections 252.6 and 252.7 to the Health and Safety Code, relating to school Audiometrists.

Referred to Committee on Education.

**Assembly Bill No. 1243**—An act to add Section 12040.1 to the Education Code, relating to credentials for Veteran Advisors.

Referred to Committee on Education.

**Assembly Bill No. 1253**—An act to add Article 3 to Chapter 4 of Division 5 of the Education Code, relating to the granting to veterans of diplomas of graduation from high school.

Referred to Committee on Education.

**Assembly Bill No. 1281**—An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1286**—An act to amend Section 141 of the Education Code, relating to the salary of the Superintendent of Public Instruction.

Referred to Committee on Governmental Efficiency.



**Assembly Bill No. 1389**—An act to amend Sections 3659, 3659.5, 3659.3, and 3902 of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property and the distribution of the proceeds therefrom.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1555**—An act to amend Section 13549 and to repeal Section 13542 of the Education Code.

Referred to Committee on Education.

**Assembly Bill No. 1624**—An act to amend Section 1203 of the Penal Code, relating to granting of probation.

Referred to Committee on Judiciary.

**Assembly Bill No. 1765**—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

Referred to Committee on Local Government.

**Assembly Bill No. 1775**—An act to amend Section 410 of the Code of Civil Procedure, relating to sufficiency of proof of service of lost summons.

Referred to Committee on Judiciary.

**Assembly Bill No. 1844**—An act to amend Sections 20019 and 20608 of, and to add Sections 20019.1, 20021.1, 20461.1, 20606.1 and 20608.1 to the Government Code, relating to the State Employees Retirement System, and defining the status of motor coach operators therein.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1978**—An act to amend Section 51b of the Alcoholic Beverage Control Act, relating to forfeitures.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1991**—An act to add Section 18676.5 to the Business and Professions Code, relating to boxing.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2137**—An act to amend Section 397 of the Political Code and Section 12100 of the Government Code, relating to the salary of the Lieutenant Governor.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2183**—An act to amend Section 4264 of the Political Code, relating to compensation for public service in counties of the thirty-fifth class.

Referred to Committee on Local Government.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 765

Assembly Bill No. 1342

Assembly Bill No. 1531

Assembly Bill No. 1790

Assembly Bill No. 1825

Assembly Bill No. 1826

Assembly Bill No. 1879

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 765**—An act to amend Sections 8161, 8821.1, 9034.1, 16276, 16277, and 18058 of the Education Code, all relating to the Public School System.

Referred to Committee on Education.

**Assembly Bill No. 1342**—An act to add Section 35.5 to the State Civil Service Act and Section 18708.5 to the Government Code, relating to exempt positions.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1531**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1790**—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Referred to Committee on Local Government.

**Assembly Bill No. 1825**—An act to amend Section 713 of the Vehicle Code, relating to the use of streets by vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1826**—An act to amend Section 714 of the Vehicle Code, relating to limitation upon the weight of vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

Referred to Committee on Education.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 43**—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737 aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

And appointed Messrs. Call, O'Day, and Collins, Sam L., as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Knight, Dekker and Massion as a Committee on Conference concerning:

**Senate Bill No. 703**—An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 168  
Senate Bill No. 636  
Senate Bill No. 1270

Senate Bill No. 766  
Senate Bill No. 1193

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1620  
Assembly Bill No. 31  
Assembly Bill No. 159  
Assembly Bill No. 529  
Assembly Bill No. 869

Assembly Bill No. 894  
Assembly Bill No. 1198  
Assembly Bill No. 477  
Assembly Bill No. 38  
Assembly Joint Resolution No. 33

Assembly Constitutional Amendment No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Concurrent Resolution No. 39

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 132  
Senate Bill No. 459

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:  
Assembly Bill No. 773

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 557

Assembly Bill No. 561

Assembly Bill No. 558

Assembly Bill No. 776

Assembly Bill No. 559

Assembly Bill No. 2005

Assembly Bill No. 560

Assembly Bill No. 1231

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 381

Assembly Bill No. 548

Assembly Bill No. 528

Assembly Bill No. 549

Assembly Bill No. 530

Assembly Bill No. 550

Assembly Bill No. 531

Assembly Bill No. 551

Assembly Bill No. 534

Assembly Bill No. 552

Assembly Bill No. 535

Assembly Bill No. 553

Assembly Bill No. 538

Assembly Bill No. 554

Assembly Bill No. 539

Assembly Bill No. 556

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 536

Assembly Bill No. 774

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 87

Senate Bill No. 1178

And reports the same correctly engrossed.

SEAWELL, Chairman



SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 152

Senate Bill No. 1242

Senate Bill No. 300

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 269

Senate Bill No. 839

Senate Bill No. 270

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3

Senate Bill No. 376

Senate Bill No. 279

Senate Bill No. 1219

Senate Bill No. 281

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 43**—An act to amend Section 511.4 of, and to add Section 511.6 to the Vehicle Code, relating to regulation of the speed of vehicles;

**Senate Bill No. 45**—An act to add Article 7.5, comprising Sections 14490 to 14492, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to capital outlays in county fire districts;

**Senate Bill No. 111**—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes;

**Senate Bill No. 118**—An act to amend Sections 3 and 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 220**—An act to amend Section 5 of, and to add Section 22a to, the California Water District Act, relating to qualification of officers, and deposit of funds, of districts organized under said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 221**—An act to amend Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect;

**Senate Bill No. 335**—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately," approved July 6, 1935, relating to contributions or loans to local agencies, declaring this act to be an urgency measure, and providing that it take effect immediately;

**Senate Bill No. 393**—An act to amend Section 102 of the Agricultural Code, relating to pest certificates;

**Senate Bill No. 396**—An act to amend Section 1037 of the Agricultural Code, relating to sampling fertilizing materials;

**Senate Bill No. 618**—An act to add Section 87.5 to the Agricultural Code, relating to the construction of buildings as war memorials jointly by District Agricultural Associations and counties;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 14 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 793

Senator Biggar moved that Senate Bill No. 793 be withdrawn from Committee on Revenue and Taxation for purpose of amendment, and re-referred to committee.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 793**—An act to add Chapter 11 consisting of Sections 3980, 3981, 3982 to Part 6, Division 1 of the Revenue and Taxation Code, and to repeal Sections 3521, 3725, 3726, 3809, and 3810 of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time.

#### Motion to Amend

Senator Biggar moved the adoption of the following amendments:

##### Amendment No. 1

Strike out the title to the printed bill, and insert

"An act to add Section 3522 to the Revenue and Taxation Code, relating to tax deed invalidity defense, and to add Section 2911.5 to the Civil Code, relating to statute of limitations and extinguishment of liens by lapse of time and termination of same and quiet title actions in respect thereof."

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 11, inclusive; and in line 12 strike out "3981", and insert

"SECTION 1. Section 3522 is added to the Revenue and Taxation Code, to read:  
3522."

##### Amendment No. 3

On page 1 of said bill, strike out lines 19 to 25, inclusive; and on page 2 strike out lines 1 to 6, inclusive, and insert

"SEC. 2. Section 2911.5 is added to the Civil Code, to read:

2911.5. (a) Any assessment or bond lien and power to sell real property securing the same heretofore existing, as described in Section 1911 of this code and issued pursuant to the provisions of "The Improvement Act of 1911", irrespective of any provisions of law to the contrary notwithstanding, shall be presumed to have been extinguished and terminated and the lien ceased to exist at the expiration of four years, provided such expiration occurred three years or more prior to the effective date hereof, after the due date of any such assessment or bond lien, or of the last installment thereof, or of the last principal coupon attached thereto, whichever is later.

(b) (1)—The provisions of Section 2911 apply to all liens relating to real property, either general or special, whether arising by contract, operation of law, or equity, including but not limited to liens arising under statutory provisions relating to street or other improvement work.

(2)—Actions to quiet title to real property based on the provisions of this section may be instituted in the manner and modes prescribed generally by Sections 738, 749 of the Code of Civil Procedure and related provisions of law, by any person, who, by himself or by himself and his predecessors in interest, has been in the actual, exclusive and adverse possession of such property continuously for three years prior to the filing of the complaint claiming to own the same in fee against the whole world.

(c) This section is not intended to extend, enlarge or revive any power of sale, right of action or extinguishment of any assessment or bond lien or other lien which has heretofore been lost by reason of lapse of time or otherwise."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented :  
By Senator Seawell:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner.

Respectfully submitted.

SENATOR SEAWELL

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 7, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called.

##### Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time 1.53 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE

##### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 161**—An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps, and declaring the urgency thereof, the act to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 161?

##### Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "18600.5.", insert "Except in counties having a population in excess of nine hundred thousand (900,000).".

##### Amendment No. 2

On page 2, line 2, of the printed bill, as amended, strike out the period following "inoperative", and insert ", except in counties having a population in excess of nine hundred thousand (900,000).".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 161 by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 422**—An act to add Section 1426.1 to the Penal Code, relating to proceedings on misdemeanor complaints.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 422?

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "defendant", insert "upon his request".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 422 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 402**—An act to add Sections 796.3, 796.4, 796.5, 796.8 and 796.9 to the Agricultural Code, relating to citrus fruits.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 402?

##### Amendment No. 1

On page 2, line 7, of the printed bill, as amended, strike out "2.020", and insert "1.98".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 402 by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 592**—An act to amend Section 284 of the Agricultural Code, relating to apiaries.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 592?

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 13, inclusive, and insert "275 shall not be entitled to recover damages for any injury to said apiary by reason of any pest control operations."



The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 592 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1032**—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

Bill read second time.

### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "six thousand dollars (\$6,000)", and insert "five thousand six hundred dollars (\$5,600)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 838**—An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 608**—An act making an appropriation to the counties of this State for the postwar construction of public highways and streets and prescribing the procedure for expenditure thereof.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "making an appropriation to the counties of this State"; and strike out lines 2 and 3 of the title, and insert "relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal aid moneys, and making an appropriation for the purposes of this act."

#### Amendment No. 2

On page 1, line 1, of said bill, strike out "The sum of thirty million dollars (\$30,000,000)", and insert "Declaration of Policy. The Congress of the United States has enacted the Federal-Aid Highway Act of 1944 in which the sum of one hundred fifty million dollars (\$150,000,000) has been authorized to be appropriated for projects on the principal secondary and feeder roads, including farm to market roads, rural free delivery mail and public school bus routes in the various States. By apportionment of the authorization made pursuant to said Federal act, it is anticipated that the sum of approximately fifteen million dollars (\$15,000,000) will be made available for expenditure on such roads in California in the three year period immediately following termination of the war on a pro rata share basis as provided in the Fed-

eral-Aid Highway Act. Said apportionment to California is to be made available for expenditure on either State highways or county highways which qualify under the Federal law. County highways throughout the State have deteriorated to such an extent as to be a matter of primary State concern. It is, therefore, determined by the Legislature that, insofar as permissible under Federal law, rules and regulations, at least eighty-seven and one-half per cent ( $87\frac{1}{2}\%$ ) of the money apportioned to California for such projects as are mentioned in subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 should be expended for the improvement of the county highways in this State. Inasmuch as these county highways are a matter of State concern and many of the counties are financially unable to furnish their pro rata share of funds to be used with the Federal Funds as required by Federal law, funds should be provided from State sources therefor.

SEC. 2. As used in this act, "county highway" means county highway as defined by Section 25 of the Streets and Highways Code, and county highways as so defined are declared to be "secondary and feeder roads" as that term is defined in the Federal-Aid Highway Act of 1944.

As used in this act, "construction" means construction as defined by the Federal-Aid Highway Act of 1944.

SEC. 3. The provisions of this act or any action taken pursuant to it (including construction on any county highway) shall not be deemed to change the status of any county highway into that of a State Highway notwithstanding any other provision of law.

SEC. 4. (a) It is in the interest of the State of California and of the counties of the State that at least eighty-seven and one-half per cent ( $87\frac{1}{2}\%$ ) of the moneys available for construction of highways in this State pursuant to the provisions of subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 be apportioned for expenditure among the counties of this State in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of said Federal act for apportionment among the States.

(b) The Department of Public Works and the boards of supervisors of the several counties in performing their correlative and conqual powers and duties in selecting roads in cooperation with the Commissioner of Public Roads of the United States as indicated in the first proviso of subdivision (b) of Section 3 of said Federal act, shall be governed by paragraph (a) of this section to the fullest extent possible and shall not deviate therefrom except to the extent required by applicable Federal laws, rules, or regulations.

(c) The Department of Public Works shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with paragraph (a) of this section as fully as applicable Federal laws, rules, or regulations permit.

SEC. 5. Out of any moneys in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of twelve million dollars (\$12,000,000), which sum shall be transferred by the State Controller on the effective date of this act to the State Highway Fund and shall be expended by the Department of Public Works to pay the State's pro rata share for construction of county highways as provided in this act. The said sum of twelve million dollars (\$12,000,000) hereby appropriated shall be apportioned for expenditure in the counties of the State on the same formula as provided in subdivision (b) of Section 4 of said Federal act for apportionment of said Federal moneys among the several States. None of the appropriation hereby made shall be expended on any highway, street, or road which is not a county highway, except as provided in Section 9.

SEC. 6. The Department of Public Works shall notify each county on the effective date of this act of the amount of money to be available for expenditure in said county from said Federal apportionment and of the amount of money available from the appropriation hereby made to pay the State's pro rata share in conjunction with the Federal aid in the county. Each county shall within six months after such notice submit to the department a description of the projects on county highways in said county which are approved by the county and are eligible for such Federal aid under said Federal-Aid Highway Act of 1944.

The boards of supervisors of the several counties and the department are authorized and directed to enter into cooperative agreements and to do all other things necessary and proper in their respective jurisdictions to secure such Federal aid for construction of county highways in accordance with the intent of this act. Any such agreement shall provide that the county will maintain the project when completed as required by Federal law, rules and regulations.

SEC. 7. If any county notifies the department that it refuses to accept the benefits of this act on the terms and conditions specified herein and in the Federal law, rules and regulations, or if any county fails to submit a description of the projects desired by it within the six months period provided in Section 6 or within such further period of time not exceeding an additional six months as may be extended by the department, the amount of the appropriation hereby made available for expenditure in said county shall be apportioned (in the same manner as herein provided for the apportionment of said appropriation of twelve million dollars) for construction of county highways

in those counties which have neither so notified the department nor failed to submit such descriptions within the time allowed.

SEC. 8. The appropriation hereby made shall continue indefinitely to be available in the State Highway Fund to be used as provided in this act.

SEC. 9. Any county may by resolution of its board of supervisors request the department to expend all or any portion of the moneys available for expenditure in said county under this act on any State highway in the county, and in that event the department may expend such money on such State highway notwithstanding any other provisions of this act.

SEC. 10. No moneys or funds belonging to the State or under its control are available for expenditure in cooperative highway work under or in furtherance of the provisions of the Federal-Aid Highway Act of 1944 except in accordance with the provisions of this act."

#### Amendment No. 3

On page 1, of said bill, strike out lines 2 to 20, inclusive; and strike out all of pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 947**—An act to repeal Sections 11001, 11155 to 11157 inclusive, 11181.1 and 11185 to 11187 inclusive of the Education Code; to amend Sections 10055, 11152, 11153, 11181, 11182, 11184, 11241, and 11271 of said code; and to add Sections 11155 to 11164, inclusive, to said code, relating to the public school system and elementary school textbooks.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

#### Amendment No. 1

On page 1, line 19, of the printed bill, as amended, strike out "particularly".

#### Amendment No. 2

On page 2, line 8, of said bill, strike out "Contract for", and insert "Authorize the committee or committees appointed by it to cause to be made, contract for,".

#### Amendment No. 3

On page 2, lines 26 and 27, of said bill, strike out "less than four years nor".

#### Amendment No. 4

On page 3 of said bill, strike out lines 4 to 26, inclusive, and insert

"11155. There is hereby created a committee of nine members to be known as the "California Textbook Committee" to be made up as follows: the President of the University of California, the President of the University of Southern California, the President of Stanford University, the State Superintendent of Public Instruction. The above four members shall appoint, from a panel of ten names submitted by the Parent-Teachers Association of California, one high school principal, one elementary school principal, two elementary teachers, and one member of the California School Trustees Association of California. The principals and teachers thus appointed shall be citizens of California and shall have taught at least fifteen years in high or elementary schools. The said five appointments shall be made within ninety days after the effective date of this section. Vacancies on the committee shall be filled in the same manner as provided for making the initial appointments.

The faculty members of the California Textbook Committee, or of other committees authorized under this section shall be entitled to leaves of absence, without pay, and shall be guaranteed preservation of all rights in and to their teaching positions, other than salaries, when serving actively on said committee or committees.

SEC. 10.1. Section 11155.1 is added to said code, to read:

11155.1. Whenever a new textbook or textbooks shall be needed in the day or evening elementary schools of this State, the California Textbook Committee shall appoint a committee of three persons, consisting of one person nationally recognized as being well versed in the subject to be covered in the textbook or textbooks to be written, and one high school principal, and one elementary school principal. Said principals shall have the same qualifications as for membership on the California Textbook Committee, and may be members of said committee. To this committee shall be assigned the duty of compiling and writing the manuscript for the textbook or textbooks needed.



This committee shall, subject to the approval of the State Board of Education, exercise all of the rights specified in subsections b, c, and d, of Section 11181 of this code, in so far as they may need to do so in compiling and writing the manuscript for the book or books assigned to them.

A separate committee with similar rights and duties shall be appointed to compile and write the manuscript for each new textbook needed.

When said committee or committees have compiled and written the manuscript or manuscripts for the textbook or textbooks assigned to them, they shall submit the manuscript or manuscripts to the California Textbook Committee, who shall, in collaboration with the State Board of Education, appraise them. If they are found to be satisfactory, the State Board of Education shall order them printed in the State Printing Shop at Sacramento, or elsewhere in this State should the State Printing Shop be unable to do the printing of the textbooks, in sufficient quantities to supply the needs of all of the day and evening elementary schools in this State. If such manuscript or manuscripts are found unsatisfactory, the State Board of Education may reject them and re-refer them to the committee for amendments, or may require a new manuscript or manuscripts to be prepared.

SEC. 10.2. Section 11155.2 is added to said code, to read:

11155.2. Members of the California Textbook Committee shall serve without pay, but shall receive mileage each way incurred in connection with their services upon the committee at the rate of five and one half cents (\$0.05½) per mile, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu thereof, an allowance of fifteen dollars (\$15) per day.

SEC. 10.3. Section 11155.3 is added to said code, to read:

11155.3. Members serving on a committee compiling and writing manuscript for textbooks, shall be paid a fee, not to exceed one thousand five hundred dollars to each member of said committee, for compiling and writing manuscript for a textbook as provided for in this article."

#### Amendment No. 5

On page 4 of said bill, strike out lines 20 to 26, inclusive, and insert

"11162. The State Board of Education, with the unanimous consent and approval of the California Textbook Committee, may purchase any outstanding textbook which has received national recognition for its superior quality, in sufficient quantities to supply the needs for a textbook on the subject for all of the elementary schools in this State, in lieu of having a textbook on the subject compiled and written as provided in this article."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 54**—An act to amend Section 1 of the Annexation of Uninhabited Territory Act of 1939, relating to the alteration of boundaries of municipalities.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "SECTION 1", and insert "SECTIONS 1 and 11".

#### Amendment No. 2

On page 1 of said bill, after line 18 insert

"SEC. 2. Section 11 of the act cited in the title hereof is amended to read:

SEC. 11. No territory, which, at the time of the presentation of a petition to the legislative body of any municipal corporation for the annexation of such territory thereto forms any part of any municipal corporation, shall be annexed under the provisions of this act, *except as follows: The legislative body of any municipal corporation may by resolution consent to the detachment of any uninhabited area within its territorial boundaries for the purpose of annexation of such detached area to another municipal corporation. Before consenting to any such detachment of territory the legislative body shall require the written consent of at least two-thirds of the freeholders within such area, holding at least two-thirds in value of the real property. Any bonds or other obligations then a lien on such property shall remain thereon but no liability shall be imposed on such property by the municipal corporation consenting to such detachment after the date of the consent to such detachment,*



*where such property is annexed to another municipal corporation. If consent to such detachment is given, proceedings for the annexation of such uninhabited area shall be in accordance with the provisions of this act."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 53**—An act to add Section 1c to the Annexation Act of 1913, relating to annexation of subdivisions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1493**—An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 607**—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State, counties, cities and counties, and cities, and providing for their operation by licensed blind persons.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike out "three", and insert "five".

##### Amendment No. 2

On page 2, line 50, of said bill, after "person", insert "operating or".

##### Amendment No. 3

On page 3, of said bill, strike out lines 1 to 13, inclusive.

##### Amendment No. 4

On page 3, line 14, of said bill, strike out "SEC. 9.", and insert "SEC. 7."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1780**—An act to amend Section 4.5 of and to add a new Section 6 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

#### MOTION TO CORRECT JOURNAL

Senator Cunningham moved that the committee report of the Committee on Local Government was in error whereby it reported Assembly Bill No. 1780 from committee May 4, 1945, and that the Journal be corrected.

Motion carried.

**Motion to Re-refer Assembly Bill No. 1780**

Senator Cunningham moved that Assembly Bill No. 1780 be re-referred to Committee on Local Government.

Motion carried.

**Assembly Bill No. 19**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2, line 10, of the printed bill, after "month.", insert "Each such clerkship shall be exempt from civil service laws."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 246**—An act to amend Sections 261, 261a and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "six thousand dollars (\$6,000)", and insert "six thousand two hundred dollars (\$6,200)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 555**—An act to amend Section 498.5 of the Agricultural Code, relating to examination of applicants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2165**—An act to add Section 6007 to the Government Code, relating to newspapers of general circulation, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

## Amendment No. 1

In line 4 of the title of the printed bill, after "17319.5," insert "17951, 18401, 18402, 18405,".

## Amendment No. 2

On page 3, line 43, of the printed bill, strike out "1945", and insert "1947".

## Amendment No. 3

On page 3 of the printed bill, strike out lines 44 to 46, inclusive, and insert "and at the rate of three per cent thereafter."

## Amendment No. 4

On page 4, line 23, of the printed bill, strike out "1945", and insert "1947".

## Amendment No. 5

On page 4 of the printed bill, strike out lines 24 to 26, inclusive, and insert "and at the rate of three per cent thereafter."

## Amendment No. 6

On page 9 of the printed bill, between lines 21 and 22, insert

"SEC. 15.1. Section 17951 of said code is amended to read:

17951. There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of [one] *two* thousand dollars [\$1,000] (\$2,000), or, in the case of a head of a family or a married individual [living with husband or wife], a personal exemption of [two] *three* thousand five hundred dollars [\$2,500] (\$3,500). A husband and wife [living together] shall receive but one personal exemption of [two] *three* thousand five hundred dollars [\$2,500] (\$3,500). If the husband and wife [living together] make separate returns, the personal exemption may be taken by either or divided between them.

SEC. 15.3. Section 18401 of said code is amended to read:

18401. Every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) A net income of [one] *two* thousand dollars [\$1,000] (\$2,000) or over, if single [ , or if married and not living with husband or wife ] ;

(b) A net income of [two] *three* thousand five hundred dollars [\$2,500] (\$3,500) or over, if married [and living with husband or wife] ; or

(c) A gross income of five thousand dollars (\$5,000) or over, regardless of the amount of net income.

SEC. 15.5. Section 18402 of said code is amended to read:

18402. If a husband and wife [living together] have for the taxable year an aggregate net income of [two] *three* thousand five hundred dollars [\$2,500] (\$3,500) or over, or an aggregate gross income of five thousand dollars (\$5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. *No joint return may be made if husband and wife have different taxable years.*

SEC. 15.7. Section 18405 of said code is amended to read:

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make *under oath* a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of [one] *two* thousand dollars [\$1,000] (\$2,000) or over, if single [or if married and not living with husband or wife] ;

(b) Every individual having a net income for the taxable year of [two] *three* thousand five hundred dollars [\$2,500] (\$3,500) or over, if married [and living with husband or wife] ;

(c) Every individual having a gross income for the taxable year of five thousand dollars (\$5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand dollars (\$1,000) or over.

(e) Every trust the net income of which for the taxable year is one hundred dollars (\$100) or over.

(f) Every estate or trust the gross income of which for the taxable year is five thousand dollars (\$5,000) or over, regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the commissioner may prescribe.

**Amendment No. 7**

On page 11 of the printed bill, after line 16, insert

"Sec. 23. This act shall become operative upon the taking effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is later."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 585**—An act to amend Sections 9754, 9756 and 9760 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 588**—An act to add Section 11123 to the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 589**—An act to amend Section 4536 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 592**—An act to amend Section 5552 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 593**—An act to amend Section 7201 of, and to repeal Sections 7881 and 7882 of, the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 139**—An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5801.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Sections 151.1 and 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 14 of the title of the printed bill, as amended, strike out "Sections 1515.1 and", and insert "Section".



**Amendment No. 2**

On page 2, line 14, of said bill, after the period, insert "No such special election shall be held until 90 days have elapsed after the proclamation of the Governor calling the election."

**Amendment No. 3**

On page 2, lines 48 and 49, of said bill, strike out "or ballot pamphlet".

**Amendment No. 4**

On page 3, lines 1 and 2, of said bill, strike out "and may prescribe in his discretion a form of ballot pamphlet".

**Amendment No. 5**

On page 3, line 3, of said bill, strike out "or ballot pamphlet".

**Amendment No. 6**

On page 3, lines 4 and 5, of said bill, strike out "or ballot pamphlet".

**Amendment No. 7**

On page 3, line 14, of said bill, strike out "five", and insert "ten".

**Amendment No. 8**

On page 3, line 16, of said bill, strike out "five", and insert "ten".

**Amendment No. 9**

On page 3, line 28, of said bill, strike out "one day", and insert "ten days".

**Amendment No. 10**

On page 3, line 48, of said bill, strike out "one day", and insert "ten days".

**Amendment No. 11**

On page 4 of said bill, strike out lines 46 to 51, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 586**—An act to amend Section 5503 of the Elections Code, relating to elections.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 9, of the printed bill, strike out both commas.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 591**—An act to amend Section 3712 of the Elections Code, relating to elections.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 9, of the printed bill, strike out the comma.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2087**—An act to amend Sections 6 and 10 of and to add Section 6a to the Minors Emergency War Employment Act, relating to working conditions of minor employees essential to the war effort.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 329**—An act to amend Section 1351 of the Labor Code, relating to working hours of female employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 331**—An act to add Section 1397.5 to the Labor Code, relating to employment of minors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 334**—An act to amend Sections 1250, 1251 and 1252 of the Labor Code, relating to female employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1336**—An act to amend Sections 1290, 1299, 1302, and 1307 of the Labor Code, relating to the employment of minors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1337**—An act to amend the Article heading of Article 2 of Chapter 1 of Part 1 of Division 2 and to repeal Sections 258 and 259 of the Labor Code, and to add Article 3, comprising Sections 270 to 272, inclusive, to said code, relating to payment of wages.

Bill read second time, and ordered to third reading.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.37 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Seawell was granted permission to introduce a bill by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Durlinger, Driworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jepsen, Judah, Keating, Kuebel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

**NOES**—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1279**: By Senator Seawell—An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner.

Referred to the Committee on Governmental Efficiency.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 697**—An act to add Section 5711 to the Labor Code, relating to proof of pneumoconiosis.

Bill read third time.

**Motion to Amend**

Senator Judah moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, after line 11, insert

"Pneumoconiosis as used in this section means a chronic pulmonary fibrosis due to irritating dusts which produce a proliferative and cumulative reaction."

Amendment read.

**Roll Call Demanded**

Senators Carter, Shelley, and Quinn demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Breed, Burns, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Sutton, Swing, and Weybrel—26.

**NOES**—Senators Biggar, Brown, Carter, Dillinger, Donnelly, Jespersen, Keating, Shelley, Slater, Tenney, and Ward—11.

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**MOTION TO SUSPEND RULE**

Senator Crittenden moved that the rule limiting opening speeches to 10 minutes and closing speeches to five minutes be suspended temporarily during the consideration of Senate Bill No. 677.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—35.

**NOES**—None.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 677 was taken up.

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 8 of the title of the printed bill, as amended, strike out "and", and insert a comma.

**Amendment No. 2**

In lines 9 and 10 of the title of said bill, strike out "with the United States, its instrumentalities and agencies, and with" and insert a comma.

**Amendment No. 3**

In line 11 of the title of said bill, after "districts", insert "; with one another and with the United States, its instrumentalities and agencies,".

**Amendment No. 4**

In the title of said bill, strike out lines 13 to 15, inclusive, and insert "floods."

**Amendment No. 5**

On page 2, line 50, of said bill, strike out "as", and insert "first".

**Amendment No. 6**

On page 4 of said bill, strike out lines 40 to 52, inclusive; and on page 5, strike out lines 1 to 6, inclusive.

**Amendment No. 7**

On page 5, line 27, of said bill, after "State", insert "including but not limited to projects".

**Amendment No. 8**

On page 6 of said bill, strike out lines 49 to 52, inclusive; and strike out all of pages 7 to 11, inclusive; and on page 12, strike out lines 1 to 12, inclusive.

**Amendment No. 9**

On page 12, line 13, of said bill, strike out "58", and insert "26".

**Amendment No. 10**

On page 12, line 17, of said bill, strike out "59", and insert "27".

**Roll Call Demanded**

Senators Carter, Quinn, and Collier demanded a roll call.

The roll was called and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Dillinger, Dilworth, Donnelly, Jespersen, Keating, Mayo, Quinn, Salsman, Shelley, and Slater—15.

**NOES**—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—21.

**Further Amendments to Senate Bill No. 677****Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "their conservation and utilization."; strike out lines 3 and 4 of the title; and in line 5 strike out "Advisory", and insert "and control, conservation and use of the State's water resources; creating the State Water Resources".

**Amendment No. 2**

In line 8 of the title of said bill, strike out "Flood Control Advisory", and insert "Water Resources".

**Amendment No. 3**

In line 13 of the title of said bill, strike out the punctuation mark immediately following "floods", and the remainder of the title of the printed bill, and insert "; providing a procedure for the review of projects to be constructed by the United States and State participation therein."

**Amendment No. 4**

On page 1, line 6, of said bill, after "property", insert "and the control, storage, and use of the State's water resources".

**Amendment No. 5**

On page 1, line 9, of said bill, after "rivers," insert "and".

**Amendment No. 6**

On page 2, line 4, of said bill, strike out "and conservation", and insert ", storage and full beneficial use".

**Amendment No. 7**

On page 2, lines 11 and 12, of said bill, strike out "flood control and water conservation plans and projects", and insert "all water development projects, including flood control projects".



**Amendment No. 8**

On page 2, line 13, of said bill, after "districts," insert "and the United States or any of its departments or agencies".

**Amendment No. 9**

On page 2, line 14, of said bill, after "the", insert "State".

**Amendment No. 10**

On page 2, line 16, of said bill, after "to the State," insert "and which will bring maximum benefits to the people of the State from the expenditure of public funds".

**Amendment No. 11**

On page 2, line 18, of said bill, strike out "the benefits are in excess"; and strike out lines 19 to 28, inclusive, and insert "it can be definitely shown for each individual project that the benefits from the project are in excess of the estimated cost and that they fully outweigh all the possible damages from the particular project. It is further declared that the State should engage in a study and the coordination of all water development projects in the State so that State expenditures in behalf of these projects will contribute to an integrated, orderly, coordinated plan for development which will give full consideration to all possible beneficial uses of the State's water resources, including irrigation, generation of electric energy, municipal and industrial consumption of water and power, repulsion of salt water, preservation and development of fish and wildlife resources, and recreational opportunities. Be it further declared that it shall be the policy of the State to make the widest possible distribution of benefits resulting from these projects and the expenditure of public funds."

**Amendment No. 12**

On page 2, line 31, of said bill, strike out "Advisory Flood Control", and insert "Water Resources".

**Amendment No. 13**

On page 2, line 32, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 14**

On page 2, line 35, of said bill, strike out "Flood Control Board shall select one of their number", and insert "Water Resources Board shall select one of their members".

**Amendment No. 15**

On page 2, line 37, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 16**

On page 2, line 38, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 17**

On page 2, line 39, of said bill, after the period, insert "The Water Resources Board may employ other technical assistants as conditions require."

**Amendment No. 18**

On page 2, line 40, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 19**

On page 2, line 44, of said bill, strike out "flood control and water conservation problems", and insert "problems relating to the control, storage and beneficial use of water".

**Amendment No. 20**

On page 2 of said bill, strike out line 46, and insert "Water Resources Board of all parts of the State so far as it is practicable."

**Amendment No. 21**

On page 2, lines 47 and 48, of said bill, strike out "for members of the Flood Control Board, engineering ability and experience shall also", and insert "of members of the Water Resources Board, engineering ability and experience shall".

**Amendment No. 22**

On page 3, line 6, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 23**

On page 3, line 11, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 24**

On page 3, line 19, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 25**

On page 3, line 23, of said bill, strike out the comma.

**Amendment No. 26**

On page 3, line 26, of said bill, strike out ", which are" and insert "which were".

**Amendment No. 27**

On page 3, line 28, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 28**

On page 3, line 29, of said bill, strike out the first "a", and insert "any".

**Amendment No. 29**

On page 3, line 30, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 30**

On page 3, lines 31 and 32, of said bill, strike out "Flood Control Board as the Flood Control", and insert "Water Resources Board as the Water Resources".

**Amendment No. 31**

On page 3, line 33, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 32**

On page 3, lines 36 and 37, of said bill, strike out "Section 353 of the Political Code", and insert "Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code".

**Amendment No. 33**

On page 3, lines 38 and 39, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 34**

On page 3, line 40, of said bill, strike out "person affected by or interested in flood", and insert "persons affected by or interested in the control, storage, and use of water resources".

**Amendment No. 35**

On page 3, line 41, of said bill, strike out "or water conservation problems".

**Amendment No. 36**

On page 3, line 45, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 37**

On page 3, line 46, of said bill, after the first "to", insert "the".

**Amendment No. 38**

On page 3, line 47, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 39**

On page 3, line 48, of said bill, strike out "an", and insert "every".

**Amendment No. 40**

On page 3, line 51, of said bill, strike out "Flood Control Board, the Flood Control", and insert "Water Resources Board, the Water Resources".

**Amendment No. 41**

On page 4, line 4, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 42**

On page 4, line 6, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 43**

On page 4 of said bill, strike out lines 8 and 9, and insert "States, its departments or agencies affecting any proposed water project within the scope of this act, including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses."

**Amendment No. 44**

On page 4, line 10, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 45**

On page 4, line 14, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 46**

On page 4, line 16, of said bill, after "study", insert a comma.

**Amendment No. 47**

On page 4, line 17, of said bill, strike out "recommendation", and insert "recommendations".

**Amendment No. 48.**

On page 4, line 19, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 49**

On page 4, line 20, of said bill, after "Legislature", insert "water development projects, including".

**Amendment No. 50**

On page 4, line 25, of said bill, strike out "flood control".

**Amendment No. 51**

On page 4, line 29, of said bill, strike out "Flood Control Advisory", and insert "Water Resources".

**Amendment No. 52**

On page 4, line 35, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 53**

On page 5, line 10, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 54**

On page 5, line 15, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 55**

On page 5, lines 16 and 17, of said bill, strike out "proposed", and insert "all proposed water development".

**Amendment No. 56**

On page 5, line 22, of said bill, strike out "State Flood Control Advisory", and insert "Water Resources".

**Amendment No. 57**

On page 5, lines 25 and 26, of said bill, strike out "flood control or other purposes", and insert "control, storage or use of waters".

**Amendment No. 58**

On page 5 of said bill, strike out lines 39 to 52, inclusive; and on page 6, line 1, of said bill, strike out "SEC. 21", and insert "SEC. 20".

**Amendment No. 59**

On page 6, line 3, of said bill, after "control", insert "and other water".

**Amendment No. 60**

On page 6, line 9, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 61**

On page 6, line 11, of said bill, after "control", insert "or other water".

**Amendment No. 62**

On page 6, line 16, of said bill, strike out "22", and insert "21".

**Amendment No. 63**

On page 6, line 19, of said bill, after "control", insert "and other".

**Amendment No. 64**

On page 6, line 22, of said bill, strike out "23. The Flood Control", and insert "22. The Water Resources".

**Amendment No. 65**

On page 6, line 26, of said bill, strike out "water conservation", and insert "other water".

**Amendment No. 66**

On page 6, line 29, of said bill, strike out "water conservation", and insert "other water".

**Amendment No. 67**

On page 6 of said bill, strike out lines 31 to 34, inclusive.

**Amendment No. 68**

On page 6, line 35, of said bill, strike out "25", and insert "23".

**Amendment No. 69**

On page 12, line 18, of said bill, strike out "Flood Control", and insert "Water Resources".

Amendments read.

**MOTION TO PRINT AMENDMENTS IN JOURNAL**

Senator Crittenden moved that the five sets of amendments at the desk, three sets by Senator Carter, one by Senator Dorsey, and one by Senator Donnelly, be printed in the Journal for further consideration.

Motion carried.

The following amendments offered by Senator Dorsey to Senate Bill No. 677:

**Amendment No. 1**

In lines 4 and 5 of the title of the printed bill, as amended, strike out "Flood Control Advisory", and insert "Advisory Water Conservation and Flood Control".

**Amendment No. 2**

In line 8 of the title of said bill, strike out "Flood Control Advisory", and insert "Advisory Water Conservation and Flood Control".

**Amendment No. 3**

On page 2, lines 31 and 32, of said bill, strike out "Flood Control Board hereinafter designated as the Flood Control Board", and insert "Water Conservation and Flood Control Board".

**Amendment No. 4**

On page 2, line 35, of said bill, after "the", insert "State Advisory Water Conservation and".

**Amendment No. 5**

On page 2, line 37, of said bill, after the first "the", insert "State Advisory Water Conservation and".

**Amendment No. 6**

On page 2, line 38, of said bill, after "the", insert "State Advisory Water Conservation and".

**Amendment No. 7**

On page 2 of said bill, between lines 39 and 40, insert "As used in this act, "Flood Control Board" means the State Advisory Water Conservation and Flood Control Board, and all references herein to "Flood Control Board" shall be deemed to refer to the State Advisory Water Conservation and Flood Control Board."

The following amendments offered by Senator Donnelly to Senate Bill No. 677:

**Amendment No. 1**

On page 8 of the printed bill, as amended, strike out lines 12 to 19, inclusive.

**Amendment No. 2**

On page 10, line 1, of said bill, strike out "34".

The following amendment offered by Senator Carter to Senate Bill No. 677:

**Amendment No. 1**

On page 7, line 48, of the printed bill, as amended, after the period, insert "Nothing in this section shall be construed as approving any portion of any project relating to Table Mountain Dam or any other dam in the Sacramento River."

The following amendments offered by Senator Carter to Senate Bill No. 677.

**Amendment No. 1**

On page 3, line 39, of the printed bill, as amended, after "agency," insert "including the Fish and Game Commission,".

**Amendment No. 2**

On page 3, line 44, of said bill, between "hearing", and the period, insert "including an evaluation of loss and damage to fish and other natural resources. In determining the cost of any project damage to fish and wild life that will probably result therefrom must be included in the amount of the cost".



**MOTION TO SET SPECIAL ORDER**

Senator Crittenden moved that Senate Bill No. 677 be made a special order of business for Tuesday, May 8, 1945, at 2.30 p.m.

Motion carried.

**MOTION TO RECONSIDER**

Senator Donnelly moved to reconsider the vote whereby the first set of amendments offered by Senator Carter to Senate Bill No. 677 was refused adoption.

**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator Donnelly, the further consideration of the motion to reconsider the vote whereby the first set of amendments offered by Senator Carter to Senate Bill No. 677 was refused adoption, was continued until the next legislative day.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 397**—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

**POSTPONEMENT OF RECONSIDERATION**

Senator Salsman moved that his motion to reconsider the vote whereby Assembly Bill No. 397 was passed be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

**NOES**—None.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2049**

Senator Quinn moved that Assembly Bill No. 2049 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Military and Veterans Affairs.

Motion carried.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Shelley moved that the report of the Senate Interim Committee on Unemployment Insurance be printed in the Journal of this date.

Motion carried.

**LETTER OF TRANSMITTAL**

SENATE, CALIFORNIA LEGISLATURE

*To the California Senate:*

Pursuant to Senate Resolution No. 143, adopted by the California Senate on May 5, 1943, and Senate Resolution No. 22, adopted by the California Senate on January 22, 1945, your Interim Committee on Unemployment Insurance submits herewith its report.

Respectfully submitted.

SENATOR JOHN F. SHELLEY, Chairman

SENATOR H. E. DILLINGER

SENATOR HAROLD J. POWERS

SENATOR H. R. JUDAH

SENATOR R. R. CUNNINGHAM

April 1, 1945

**ACKNOWLEDGMENT**

The Senate Interim Committee on Unemployment Insurance of the California Legislature takes this occasion to acknowledge the cooperation and assistance extended by the following governmental agencies during the course of its work:

California Department of Employment,  
California Department of Industrial Relations,  
California Reconstruction and Reemployment Commission,  
California Commission on Interstate Cooperation,  
Federal Social Security Board,  
Federal War Manpower Commission,  
Employment security agencies of the various other States,  
Council of State Governments.

The cooperation received from the departments, agencies, and subdivisions of the State of California was, in most instances, far beyond the obligations of statutory or legislative mandate, and is gratefully acknowledged by the committee.

Particular mention should be made however, of the invaluable assistance rendered by the Social Security Board, the War Manpower Commission, and the various employment security agencies of other States (especially those of Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia).

Without any legal duty and entirely on the voluntary basis of courtesy, these governmental units have responded to many inquiries made by the committee and have furnished important data and reports which have been of material value in our study of the subject of unemployment insurance. Their conduct has indeed been a tribute to Federal-State

and interstate cooperation, and the Senate Interim Committee with a deep sense of appreciation recognizes the comity which has been extended in this respect.

Also, to the many private citizens and individuals who have, either through public hearings or by other means, offered factual data, comments, or suggestions relating to employment conditions and unemployment insurance, the committee wishes to express its gratitude.

### INTRODUCTION

Pursuant to and in furtherance of the provisions set forth in Senate Resolution No. 143 of the Fifty-fifth Session of the California Legislature, your committee has made an intensive study and comprehensive investigation of the subject of unemployment insurance.

The following public hearings were held to which interested parties and the general public were invited and given an opportunity to express their views to the committee:

State Building, San Francisco—December 14, 15, 1943

Appearances:

Paul Scharrenberg, Director, California Department of Industrial Relations  
Pat Merrick, Director, Social Security and Manpower Department, California State Chamber of Commerce  
T. D. Anderson, Manager, Merit Rating Bureau, Inc.  
L. F. Bridges, Cannerymen's League of California  
Gilford Roland, San Francisco Employers' Council  
C. J. Haggerty, Secretary, California State Federation of Labor  
P. H. Lowrey, Regional Attorney, Federal Security Agency

State Building, Los Angeles—March 9, 10, 11, 1944

Appearances:

Homer W. Buckley, Chairman, California Employment Stabilization Commission  
Robert S. Billings, Statistician, Department of Employment  
A. P. Guidotti, Investigator and Counsel for Committee  
J. J. Stein, representing Los Angeles Chamber of Commerce  
Pat Merrick, representing State Chamber of Commerce  
Lloyd A. Mashburn, Secretary Los Angeles Building and Construction Trades Council, A. F. of L.  
R. D. Masters, Douglas Aircraft Corporation  
Carl Hayes, Secretary-Treasurer, San Fernando Central Labor Council, A. F. of L.  
James G. Bryant, Chief of Division of Public Employment Offices and Benefit Payments, California Department of Employment  
John Marshall, Assistant to Chief of Division of Public Employment Offices and Benefit Payments, California Department of Employment  
T. H. Mugford, Chief of Division of Accounts and Tax Collection, California Department of Employment  
Edgar E. Lampton, Vice Chairman, California Employment Stabilization Commission  
Michael B. Kunz, Member, California Employment Stabilization Commission  
Paul Pinsky, Director of Research, California CIO Council  
Charles J. Janigan, representing California State Federation of Labor  
James G. Thimmes, President, California CIO Council  
Aubrey Grossman, Counsel for California CIO Council

## Civic Auditorium, San Jose—May 10, 11, 1944

## Appearances:

Sylvia Kempton, representing Cannery Workers' League of California  
 Ellis Meinecke, representing Libby, McNeil & Libby  
 Mr. Fisk, representing Libby, McNeil & Libby  
 Mr. Glover, representing California Packing Corporation  
 Mr. Cluff, representing California Processors and Growers Association  
 Hal Angus, representing Alameda County Cannery Workers Union  
 H. E. Gray, representing Gray Packing Corporation  
 J. Campodonico, representing Drew Packing Company  
 Walter Jones, representing Santa Clara County Cannery Workers Union  
 J. Perelli, representing Felice & Perrelli Canning Co.  
 A. W. Beall, representing Santa Clara Packing Company  
 T. D. Anderson, representing Merit Rating Bureau  
 Mr. Panky, representing Alameda County Cannery Workers Union  
 Mr. Besson, representing Sutter Packing Company  
 Pat Merrick, representing State Chamber of Commerce  
 Mr. Barr, representing Hunt Packing Bros.  
 Mr. Thompson, representing Modesto Cannery Workers Union  
 Mr. Ericson

## State Building, Los Angeles—November 13, 14, 1944

## Appearances:

James G. Bryant, Chief, Division of Public Employment Offices and Benefit Payments, Department of Employment  
 A. J. Wade, Assistant Chief, Division of Public Employment Offices and Benefit Payments, Department of Employment  
 John B. Long, General Manager, California Newspaper Publishers Association  
 Dutton O'Brien, Circulation Director, Los Angeles Daily News  
 Ross Marshall, Hearst Publications  
 James H. Morford, Manager Distribution Department Downtown Shopping News  
 Kent Redwine, Association of Motion Picture Producers  
 Bernice Saunders, Central Casting Corporation  
 Howard R. Philbrick, Central Casting Corporation  
 John Dales, Jr., Executive Secretary, Screen Actors Guild  
 Bert Harnish, State Director, Southern California War Manpower Commission  
 R. W. McKee, Secretary-Treasurer, Maywood Glass Company  
 A. A. Stanhope, Tax Department, Douglas Aircraft Company  
 Michael Jeffers, Committee Representative Screen Players' Union  
 Jack Fitzpatrick, Committee Representative Screen Players' Union  
 A. A. Kragen, Loeb and Loeb  
 Eugene Boyd, Business Representative, Los Angeles Building Trades Council  
 Walter O. Christian, Field Representative, War Manpower Commission  
 Charles P. Scully, Special Counsel on Unemployment Insurance, California Federation of Labor  
 Mr. McCarren  
 T. D. Anderson  
 Carl Hayes, Secretary, San Fernando Valley Central Labor Council

## State Building, San Francisco—December 11, 1944

## Appearances:

C. C. Matthews, representing Aircraft Manufacturers Council, Los Angeles  
 Paul Pinsky, Research Director, California CIO Council, San Francisco  
 Aubrey Grossman, Counsel, State CIO Council  
 P. M. Knox, Circulation Manager, Oakland Tribune, representing California Newspaper Association  
 Michael D. Jeffers, representing Screen Players' Union  
 Richard Ernst, representing San Francisco Employers' Council  
 Charles P. Scully, Special Counsel, California State Federation of Labor, San Francisco  
 T. D. Anderson, Manager, Merit Rating Bureau  
 J. W. Hunt, representing Ice and Cold Storage Warehousemen



## State Capitol, Sacramento—January 15, 1945

## Appearances:

T. H. Mugford, Vice Chairman, California Employment Stabilization Commission  
 C. J. Haggerty, Secretary, California State Federation of Labor  
 Charles P. Scully, Special Counsel on Unemployment Insurance for the California State Federation of Labor  
 A. Kragen, representing Loeb and Loeb

In addition to the foregoing public hearings, the following conferences were held with the California Employment Stabilization Commission:

<i>Location</i>	<i>Date</i>
814 Mission Street, San Francisco	June 29, 30, July 1, 1943
State Capitol, Sacramento	January 28, 1944
State Capitol, Sacramento	February 25, 1944
State Capitol, Sacramento	December 12, 13, 1944

The members of the entire committee held meetings on each of the foregoing occasions and also on the following dates:

<i>Location</i>	<i>Date</i>
State Capitol, Sacramento	February 24, 25, 1944
State Building, San Francisco	August 18, 19, 1944
State Capitol, Sacramento	January 15, 1945
State Capitol, Sacramento	January 26, 1945

The chairman of the committee has held meetings with various State and Federal agencies in an effort to ascertain an accurate picture of the employment and unemployment conditions in the State. All the information obtained was considered by and discussed with the members of the committee.

A study and analysis of the unemployment insurance law and its operation in this State and the provisions and laws of other States and of the United States have been made. The committee has corresponded with nearly every other State in the Union with reference to unemployment insurance problems and legislation.

The committee has worked closely with the Council of State Governments and the California Commission on Interstate Cooperation in an effort to develop a greater degree of harmony and cooperation among the various States in the administration of the unemployment insurance system. The Interstate Conference of Employment Security Agencies held in California on July 26, 27, 28, 1944, was attended by the representative of the committee and followed with interest.

Various local offices of the Department of Employment throughout the State have been contacted and the claims filed in each office have been analyzed. The problems in administration arising in the local areas have been discussed and suggestions for legislative changes have been received from several field offices. More than 75 different visits were made to the various field offices throughout the State by members of the committee and/or its representative.

The operations of the Department of Employment at Sacramento were carefully observed through frequent visits and regular weekly attendance at the meetings of the Appeals Board. The data and reports made available to the committee by the Department of Employment and

the various other State and Federal agencies have been analyzed and studied. At the same time because of the limited information available on several subjects, reports have been compiled and prepared by the committee itself.

It is the hope of your committee that in the term of its existence all of the purposes for which it was created, as set forth in Senate Resolution 143, have been conformed with and that the preliminary report submitted in June, 1944, together with this report may be of assistance in the consideration of legislation relative to the unemployment insurance system of this State.

In order to follow the current trend of employment conditions, and to complete our survey of many unemployment insurance problems in the light of the experience and background acquired by the members of the committee during the past two years, it is submitted that the present interim committee be continued with the same personnel.

## PART I

### EMPLOYMENT AND UNEMPLOYMENT CONDITIONS IN CALIFORNIA

In the preliminary report submitted by your committee on June 15, 1944, the present and probable postwar employment and unemployment conditions in California were briefly set forth. On the basis of the additional information and studies that have been made available since that time, the following supplementary material is presented.

#### Present Conditions

California reached its highest wartime civilian employment peak in about the month of August, 1943, with a total of approximately three and one-half million workers employed. The tremendous expansion of one million workers in both total employment and insured employment which occurred between 1940 and 1943 is now beginning to show a pronounced gradual contraction, although the population of the State is apparently continuing to grow. These significant changes may be compared as follows:

CALIFORNIA			
POPULATION, LABOR FORCE AND INSURED EMPLOYMENT			
	April, 1940	June, 1943	January, 1945
Total population <sup>1</sup> -----	6,907,387	8,200,000	8,650,000
In armed forces -----	39,322	520,000	700,000
Civilian -----	6,868,065	7,680,000	7,950,000
Employed <sup>2</sup> -----	2,482,000	3,464,000	3,387,000
Unemployed -----	423,000	60,000	(Not available) <sup>3</sup>
Insured employment <sup>4</sup> -----	1,336,170	2,302,026	2,100,000

It will be seen from the foregoing tabulation that California's total population (including all civilians and prewar residents now in the armed forces) is about 8,650,000, according to recent estimates, reflecting an increase of more than one and one-half million inhabitants since 1940. While employment has experienced a similar wartime expansion, there has been a shrinkage of about 80,000 in the total number employed in this State since June, 1943. However, far more significant than the recent change in the size of the labor force as a whole are the current changes in its pattern.

Despite the present demand for industrial workers throughout the State, the fact remains that employment in manufacturing has fallen by 154,000 workers between January, 1944, and January, 1945. Since the striking wartime growth of employment in California occurred principally in shipbuilding and aircraft manufacturing, the following

<sup>1</sup> Population for April, 1940, from U. S. Bureau of Census; population for June, 1943, estimated by staff of State Reconstruction and Reemployment Commission; population for January, 1945, estimated by the Interim Committee on basis of current data made available. For a detailed study of population in California and estimates for the postwar period, see "Estimates of Population Growth in California 1940-1950," State Reconstruction and Reemployment Commission (June, 1944).

<sup>2</sup> Employment and Unemployment data from Division of Labor Statistics and Law Enforcement, State Department of Industrial Relations. (January, 1945, employment is a preliminary estimate.)

<sup>3</sup> No estimate of the number unemployed for January, 1945, was made available to the committee. However, it has been indicated that this figure is about 20,000 and reflects normal unemployment at any one time which results from labor turnover.

<sup>4</sup> Insured employment data from Research and Statistics Section of the State Department of Employment.

State-wide employment figures, which may now be released, are of particular significance in this respect.

**CALIFORNIA  
AIRCRAFT AND SHIPBUILDING EMPLOYMENT<sup>5</sup>**

	April, 1940	June, 1943	January, 1944	January, 1945
Aircraft -----	38,000	328,000	311,000	220,000
Shipbuilding ---	5,000	305,000	298,000	242,000
<b>Total-----</b>	<b>43,000</b>	<b>633,000</b>	<b>609,000</b>	<b>462,000</b>

The number of women engaged in durable goods manufacturing (which includes aircraft and shipbuilding) has fallen by 41,300 between January, 1944, and January, 1945.<sup>6</sup>

Following the recession in employment which began early in 1944, the reports to the public on employment conditions appeared to be conflicting. For this reason the chairman of your committee arranged a conference with the directors of the various governmental agencies which compile statistical information on employment, and suggested joint meetings from time to time for the purpose of coordinating and analyzing employment and unemployment conditions in the State.<sup>7</sup> Monthly meetings have been held regularly thereafter and it has developed that in order to reconcile the demand for workers on file with the War Manpower Commission with the actual trend of employment recorded by the Department of Industrial Relations and the number of unemployment insurance payments made by the Department of Employment, it is necessary to analyze the type of worker for which there is a demand and the particular area in which the demand exists, as well as to analyze the type of worker now receiving unemployment insurance and the particular area in the State wherein he resides. It has been revealed that the acute demand for labor during the past

<sup>5</sup> Preliminary estimates made by the Division of Labor Statistics and Law Enforcement of the State Department of Industrial Relations. See also the actual insured employment records of the Department of Employment.

<sup>6</sup> Report W-31 (December, 1944) shows that the percentage of women employed in all manufacturing (including both durable and nondurable goods) in California as follows:

California Women in Manufacturing Employment		
Year	Number	Per Cent of Total
1941-----	66,400	14.9%
1942-----	110,200	16.2
1943-----	238,000	26.6
1944-----	238,300	28.9

The total number of women employed in California in April, 1940, and June, 1943, appears in the following chart (W-18 November, 1943) published by the Department of Industrial Relations:

**Civilian Labor Force of California, April, 1940, and June, 1943**

Class of Worker	April, 1940			June, 1943		
	Total	Male	Female	Total	Male	Female
Total labor force-----	2,905,000	2,175,000	730,000	3,435,000	2,325,000	1,110,000
Employed -----	2,482,000	1,848,000	634,000	3,375,000	2,285,000	1,090,000
Wage and salary workers--	2,095,000	1,460,000	545,000	2,993,000	1,979,000	1,014,000
Employers, own account and unpaid family workers--	477,000	388,000	89,000	382,000	306,000	76,000
Unemployed -----	423,000	327,000	96,000	60,000	40,000	21,000

<sup>7</sup> See transcript of meeting of Subcommittee of the Senate Interim Committee on Unemployment Insurance, held on March 20, 1944, in the State Building at San Francisco, California. Those present at the meeting were: Senator John F. Shelley, Chairman of the Committee

A. P. Guldotti, Secretary and Counsel to the Committee

Paul Scharrenberg, Director California Department of Industrial Relations

Sam Kagel, Director of the Northern California War Manpower Commission

George Roach, War Manpower Commission

James Bryant, Member California Employment Stabilization Commission, State Department of Employment



year and at present, is restricted primarily to certain critical areas of the State, and the shortage consists chiefly to heavy manual labor and skilled workmen. The bulk of insurance payments during 1944 was made to women and older men for whom there was little or no demand.<sup>8</sup>

### Postwar Conditions

There has been considerable readjustment in the employment conditions of California during the past year with many of the temporary workers (mostly women and older men) already removing themselves from the labor force and others returning to their home State. The immediate future indicates a further shrinkage in certain major industries. Nevertheless, with the termination of the war, a sudden fall in employment may be expected with serious repercussions on the unemployment insurance system of the State.<sup>9</sup>

The estimate of unemployment in California after the war ranging between one-half and one and one-quarter million workers which was presented in the preliminary report still conforms with the findings of the most recent studies. The exact status of employment conditions in California will depend largely on the economic conditions of the Nation as a whole, the extent to which postwar plans are effective, the amount and direction of migration, the number of women, older men and minors who are temporarily in the labor market, and the number of men and women returning from the armed forces. The bulk of this postwar unemployment may be expected among wartime manufacturing workers and among those formerly in Federal Government service.

The State Reconstruction and Reemployment Commission, in conjunction with the Department of Industrial Relations and the Department of Employment, has recently made available the following current estimates on postwar employment and unemployment in California.<sup>10</sup>

<sup>8</sup> On the basis of a spot check made of all workers receiving unemployment benefits in three local offices during a specified period in 1944 it was found that in 110 out of 193 cases in which benefits were being paid the claimant was 60 years of age or over.

<sup>9</sup> The effect of a return to 1940 conditions in terms of payroll, employment, and wages may be appreciated from the following chart prepared by the Department of Industrial Relations (Labor Statistics Bulletin No. 245):

#### CALIFORNIA MANUFACTURING INDUSTRY

	Average Number of Wage Earners	Total Annual Wages	Weekly Earnings	Average Hourly Earnings	Hours Per Week
1939-----	276,200	\$366,000,000	\$27.80	\$0.733	37.9
1940-----	320,100	443,000,000	28.80	.754	38.2
1941-----	445,000	733,000,000	34.47	.850	40.6
1942-----	678,200	1,485,000,000	44.91	1.031	43.5
1943-----	893,200	2,244,000,000	51.92	1.161	44.7
1944-----	824,400	2,205,000,000	55.24	1.230	44.9

<sup>10</sup> "Estimates of Wartime and Postwar Employment in California" (December, 1944), a report prepared by the State Reconstruction and Reemployment Commission.

**CALIFORNIA  
ESTIMATED POSTWAR CIVILIAN EMPLOYMENT**

			I		II	
			First Postwar Year		First Postwar Year	
	April, 1940	June, 1943	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum
Unemployed ----	423,000	60,000	1,200,000	800,000	800,000	400,000
Employed -----	2,482,000	3,464,000	2,800,000	3,200,000	2,800,000	3,200,000
Total labor force	2,905,000	3,524,000	4,000,000	4,000,000	3,600,000	3,600,000

I. Based on high postwar population (estimated 8,900,000).

II. Based on moderately low postwar population (estimated 8,400,000).

The estimates by industry groups of postwar employment trends made by the Reconstruction and Reemployment Commission appears in Appendix A of this report.

From a realistic consideration of all factual data available and the significant factors affecting employment, the immediate postwar conditions of this State do not appear favorable. California's population and labor force are both expected to be large during the postwar period. At the same time it must be recognized that a substantial decrease of present employment is almost inevitable and that a probable 650,000 returning veterans will be seeking employment after the war.

In the light of these circumstances it is the opinion of your committee that California faces a critical postwar unemployment problem and may expect to have a jobless army of one million workers, unless adequate employment opportunities are made available.

## PART II

### UNEMPLOYMENT INSURANCE

#### CHAPTER I—UNEMPLOYMENT INSURANCE IN GENERAL

##### A—Nature and Purpose

Unemployment insurance or unemployment compensation, as it is frequently called, has been defined as a device sponsored by government whereby reserves are accumulated during periods of employment from which compensation is paid to the worker who becomes involuntarily unemployed. It differs from relief in that payments are made as a matter of right, and not directly on a needs basis. This general and narrow description of unemployment insurance is obviously of little significance without setting forth the method and procedure of accumulating the reserves, the conditions on which payments are made therefrom, the amount and duration of payments, the type and number of unemployed workers to whom payments may be made, and the method and procedure followed in making payments.

The purpose of unemployment insurance has been to mitigate some of the evil effects of unemployment, and not as a preventive of or cure for unemployment itself. In providing compensation in part for the wage loss sustained by the individual who becomes temporarily unemployed, the social advantage is reflected in terms of economic security to the worker and his family during short periods of unemployment, greater stability of purchasing power within the State, and a decrease in expenditures (and therefore taxes) for relief by the State.

The public purpose served by unemployment compensation in this country was recognized by the Supreme Court of the United States in the following language:

“We need not labor the point that expenditures for the relief of the unemployed conditioned on recipients of the benefits, is a permissible use of state funds. For the past six years the nation, unhappily, has been placed in a position to learn at first hand the nature and extent of the problem of unemployment, and to appreciate its profound influence upon the public welfare. Detailed accounts of the problem and its social and economic consequences, to be found in public reports of the expenditures of relief funds, and in the studies of many observers, afford a basis for the legislative judgment. It suffices to say that they show that unemployment apparently has become a permanent incident of our industrial system; that it varies, in extent and intensity, with fluctuations in the volume of seasonal businesses and with the business cycle. It is dependent, with special and unpredictable manifestations, upon technological changes and advances in methods of manufacture, upon changing demands for manufactured products—dictated by changes in fashion or the creation of desirable substitutes, and upon the establishment of new sources of competition.”<sup>11</sup>

<sup>11</sup> *Carmichael v. Southern Coal & Coke Co.* (1937) 301 U. S. 495 at page 515.

## **B—History and Status**

The evolution of unemployment insurance relates back to the practice instituted by the Belgian City of Ghent in 1900 of using public money to subsidize out-of-work funds maintained by the labor unions.<sup>12</sup> France in 1906 was the first country to adopt the "Ghent System" on a national basis. Despite the limitations and shortcomings of this voluntary plan based on labor union development, a number of other countries have enacted similar legislation.

Compulsory unemployment insurance, however, was first introduced on a limited basis by Great Britain with the enactment of its Unemployment Insurance Act of 1911.<sup>13</sup> Shortly after World War I, the compulsory system of unemployment insurance developed rapidly and was adopted by various other countries becoming the predominant type of employment security legislation.

Today, unemployment insurance on either a compulsory or voluntary basis is recognized by every progressive country of the world as a part of its general social security legislation. The United States, one of the last modern and developed nations to adopt a national unemployment insurance program, has already acquired some 9 years of experience in the field. It is now beyond question that unemployment insurance is a necessary governmental function—promotive of the public good and general welfare—arising as a concomitant of industrialization under the existing economic system. As of 1931, 18 countries had enacted general unemployment insurance legislation (9 with a compulsory system, 8 with a voluntary system, and 1 with a hybrid system). As of 1943, some 9 additional countries, including the United States and its possessions, had adopted general legislation on the subject.

The status and type of social security legislation in the various countries of the world may be readily observed from the following chart:

<sup>12</sup> "This subsidizing of voluntary unemployment insurance by Ghent was not the first instance of such a public venture. Municipalities in France (in 1896 and 1897), Cologne in Germany (in 1896), and Berne in Switzerland (in 1893) had undertaken such a policy in the nineties. In each case the city set up a voluntary insurance fund rather than utilizing the existing labor union funds." Armstrong "Insuring the Essentials" (1932) page 485.

<sup>13</sup> The original Unemployment Insurance Act of 1911 adopted by Great Britain was restricted in coverage and only applied to workers engaged in construction and metal trades.



## SOCIAL SECURITY LEGISLATION IN VARIOUS COUNTRIES

Legislation general throughout country, or existing in most of its constituent states or provinces. . . . ■

Legislation applicable only to restricted classes of workers, or existing in only a few states or provinces. . . ●

No legislation. . . . □

U.I.=UNEMPLOYMENT INSURANCE  
Inv=INVALIDITY

I.A.=INDUSTRIAL ACCIDENTS  
O.A.=OLD AGE

Sick=SICKNESS  
Surv=SURVIVORS

As of 1931\*

As of 1943\*\*

	U.I.	I.A.	Sick	Inv	O.A.	Surv	U.I.	I.A.	Sick	Inv	O.A.	Surv
<b>NORTH AMERICA</b>												
Canada.....	□	■	□	□	■	●	■	■	●	□	■	●
Costa Rica.....	□	■	□	□	□	□	□	■	■	■	■	■
Cuba.....	□	■	□	□	●	□	□	■	●	●	●	●
Guatemala.....	□	■	●	□	□	□	□	■	●	□	□	□
Mexico.....	□	■	□	□	□	□	□	■	■	■	■	■
Newfoundland.....	□	■	□	□	■	□	□	■	□	□	■	□
Nicaragua.....	□	■	□	□	□	□	□	■	□	□	□	□
Panama.....	□	■	□	□	□	□	■	■	□	□	■	□
Puerto Rico.....	□	■	□	□	□	□	□	■	□	□	□	□
Salvador.....	□	■	●	□	□	□	□	■	●	□	□	□
<b>UNITED STATES.....</b>	□	■	□	□	●	●	■	■	□	□	■	■
<b>SOUTH AMERICA</b>												
Argentina.....	□	■	□	●	●	●	□	■	□	●	●	●
Bolivia.....	□	■	□	□	●	□	□	■	■	●	●	■
Brazil.....	□	■	□	□	●	□	□	■	■	●	■	■
Chile.....	□	■	■	■	■	●	■	■	■	■	■	●
Colombia.....	□	■	□	□	□	●	□	■	■	●	●	●
Ecuador.....	□	■	□	□	□	□	■	■	■	■	■	■
Paraguay.....	□	■	□	□	□	□	□	■	□	●	●	●
Peru.....	□	■	□	□	□	□	□	■	■	■	■	■
Uruguay.....	□	■	□	□	■	●	□	■	●	●	■	●
Venezuela.....	□	■	□	□	□	□	□	■	■	□	□	□
<b>EUROPE</b>												
Austria.....	■	■	■	■	■	■	■	■	■	■	■	■
Belgium.....	■	■	■	□	■	■	■	■	■	●	■	■
Bulgaria.....	■	■	■	■	■	■	■	■	■	■	■	■
Czechoslovakia.....	■	■	■	■	■	■	■	■	■	■	■	■
Denmark.....	■	■	■	■	■	●	■	■	■	■	■	■
Estonia.....	□	■	■	□	□	□	□	■	■	□	□	□
Finland.....	■	■	□	□	□	□	■	■	●	●	■	●
France.....	■	■	■	■	■	■	■	■	■	■	■	■
Germany.....	■	■	■	■	■	■	■	■	■	■	■	■
Great Britain.....	■	■	■	■	■	■	■	■	■	■	■	■

Source: \* Armstrong, "Insuring The Essentials" pp. 565-567.

\*\* Includes 1931 legislation and all additional laws as of 1943 as determined by the Department of Employment—subject to minor revisions and qualifications.

Legislation general throughout country, or existing in most of its constituent states or provinces.....

Legislation applicable only to restricted classes of workers, or existing in only a few states or provinces..

No legislation.....

U.I.=UNEMPLOYMENT INSURANCE  
Inv=INVALIDITY

I.A.=INDUSTRIAL ACCIDENTS  
O.A.=OLD AGE  
Surv=SURVIVORS

Sick=SICKNESS

	As of 1931*						As of 1943**					
	U.I.	I.A.	Sick	Inv	O.A.	Surv	U.I.	I.A.	Sick	Inv	O.A.	Surv
<b>EUROPE—(Continued)</b>												
Greece.....												
Hungary.....												
Irish Free State.....												
Italy.....												
Latvia.....												
Lithuania.....												
Luxemburg.....												
Netherlands.....												
Norway.....												
Poland.....												
Portugal.....												
Roumania.....												
Russia U.S.S.R. and R.S.F.S.R..												
Serb, Croat, Slovene Kingdom (Yugoslavia).....												
Spain.....												
Sweden.....												
Switzerland.....												
<b>ASIA</b>												
British India.....												
China.....												
Japan.....												
Palestine.....												
Philippine Islands.....												
<b>AFRICA</b>												
Eritrea, Cyrenaica, Tripolitania (Italian).....												
Mozambique Sao Thome, Prin- cipe (Port.).....												
North Rhodesia.....												
South Rhodesia.....												
Union of South Africa.....												
Egypt.....												
<b>AUSTRALASIA</b>												
Australia.....												
New Zealand.....												
<b>PACIFIC OCEAN ISLANDS</b>												
Hawaiian Islands.....												
New Caledonia (French).....												

Source: \* Armstrong, "Insuring The Essentials" pp. 565-567.

\*\* Includes 1931 legislation and all additional laws as of 1943 as determined by the Department of Employment—subject to minor revisions and qualifications.

## CHAPTER II—UNEMPLOYMENT INSURANCE IN THE UNITED STATES

### A—General Survey

The Social Security Act signed by President Roosevelt on August 14, 1935, marks the beginning of a nation-wide system of unemployment insurance in the United States, although none of its provisions authorizes or establishes an unemployment insurance program.

Unemployment insurance in the United States is chiefly a matter of State legislation and administration with each of the 48 States, the District of Columbia, and the Territories of Alaska and Hawaii having a separate and distinct law and administrative agency. The first State law was enacted by Wisconsin on January 29, 1932. As of July 1, 1937, all other States had adopted unemployment insurance legislation. Except in the case of Wisconsin, however, all State laws were passed either after or just prior to and in anticipation of the Social Security Act of 1935. In general, the constitutional validity of the State laws and related provisions of the Federal Social Security Act have been sustained by the courts.<sup>14</sup>

In addition to the various State laws the Federal Railroad Unemployment Insurance Act, which is administered entirely by the Federal Government, has covered railroad employment throughout the United States since 1939.<sup>15</sup> Also, under the Servicemen's Readjustment Act of 1944 (The G. I. Bill),<sup>16</sup> the payment of unemployment compensation to returning veterans is provided for by Federal law, although payments are made through the various State agencies.

In the main, unemployment insurance in the United States is created and exists by virtue of State law. Federal law, with the aforementioned exceptions, is relegated to encouraging State legislation and rendering assistance to the States. Under such a Federal-State System, the improvement, extension and successful administration of unemployment insurance becomes primarily a responsibility of the individual States.

### B—Unemployment Insurance Phase of the Social Security Act

The unemployment insurance features of the Federal Social Security Act are (1) the Federal Unemployment Tax Act (formerly Title IX)<sup>16a</sup> and (2) the provisions in Title III for direct grants of administrative funds to the States.<sup>17</sup>

In considering the two foregoing provisions of the Federal law, it is well to bear in mind that the Social Security Act as enacted contained 11 separate titles designed to encourage and provide a broad nation-wide program of social and economic relief. Basically, all of these meas-

<sup>14</sup> Charles C. Steward Machine Co. v. Davis (1937) 301 U. S. 548; Carmichael v. Southern Coal & Coke Co (1937) 301 U. S. 495.

<sup>15</sup> U. S. C. A. Tit. 45, Ch. 11, Sections 351-367.

<sup>16</sup> Public Law 346 (Seventy-eighth Congress) Chapter 268, Title V.

<sup>16a</sup> See note 19, *infra*.

<sup>17</sup> It should be noted that Title XII was added to the Social Security Act by the so-called George Bill (War Mobilization and Reconversion Act of 1944) making provision for loans to those States whose unemployment insurance fund may become impaired during the period between June, 1945, and June, 1947. This recent unemployment insurance feature of the Social Security Act is a temporary measure and will expire within two years unless extended by subsequent legislation.

ures may be classified under three general categories providing for (1) grants-in-aid to the States for public assistance and public welfare,<sup>18</sup> (2) State unemployment compensation legislation<sup>19</sup> and (3) Federal old age insurance benefits.<sup>20</sup> Although substantial amendments were made to the Social Security Act in 1939, the basic pattern of the program was not altered.

Old age and survivors insurance is the only security program in the Social Security Act which is completely Federal and self-operative without reference to State laws. It is financed through the Federal Insurance Contributions Act, (formerly Title VIII)<sup>20a</sup> imposing a pay roll tax (excise tax) on employers of one or more workers and an equivalent tax (income tax) on the employees. This tax is frequently confused with the Federal Unemployment Tax Act, an entirely different measure which imposes a separate pay roll tax on employers of eight or more but does not tax the employee.

#### THE FEDERAL UNEMPLOYMENT TAX ACT

Briefly, the Federal Unemployment Tax Act imposes a 3 per cent tax on the pay rolls of all employers having eight or more workers provided the workers are not engaged in certain types of *exempt* employment. Just as under most Federal revenue measures, all moneys collected under this tax go into the General Treasury from which appropriations are made to defray the cost of Government. This act does not set up a Federal system of unemployment insurance nor provide for the payment of benefits to unemployed individuals. However, any subject employer may deduct up to 90 per cent of this Federal tax liability if he pays a tax pursuant to a State unemployment insurance law which has been approved by the Social Security Board.<sup>21</sup> Thus, of the 3 per cent Federal pay roll tax, 2.7 per cent (that is 90 per cent of 3 per cent) may be offset if contributions are made to a State unemployment fund. Furthermore, under the additional credit provisions, a 2.7 per cent credit may be taken against the Federal tax even though the actual amount paid under the State law is less than 2.7 per cent.<sup>22</sup> Obviously, under these circumstances a State is encouraged to adopt an unemployment insurance law and provide benefits to its unemployed workers, since this may be done without increasing the total tax liability of the employers, and in many instances permitting a tax reduction.

Actually, it is the foregoing tax offset provisions of the Federal Unemployment Tax Act which constitutes the core of the Federal-State System of unemployment insurance in the United States. As a matter of fact, but not of law, any extension of coverage under the Federal pay roll tax will bring about an extension of coverage in the law of every State which does not already have equivalent coverage provisions. Likewise, a change in the tax offset provisions requiring that more specific

<sup>18</sup> Titles I, IV, V, VI, X of the Social Security Act relate to old age assistance, aid to dependent children, maternal and child welfare, public health, and aid to the blind.

<sup>19</sup> See Titles III and IX of the Social Security Act. Since 1939 Title IX has been codified in Chapter 9 of the Internal Revenue Code and is known as the Federal Unemployment Tax Act.

<sup>20</sup> See Titles II and VIII of the Social Security Act. Since 1939 Title VIII has been codified in Chapter 9 of the Internal Revenue Code and is known as the Federal Insurance Contributions Act.

<sup>20a</sup> *Ibid.*

<sup>21</sup> Internal Revenue Code, Section 1801.

<sup>22</sup> Internal Revenue Code, Section 1802.



and definite standards be incorporated in a State unemployment insurance law before it can be approved and certified would produce a change in every State law not already containing such minimum standards. Under the present Federal Unemployment Tax Act, however, the standards necessary for approval of a State unemployment insurance law are extremely general and no attempt is made to encourage the States to adopt specific provisions in their law or provide an adequate and complete unemployment insurance program. The responsibility in this respect rests entirely on the individual States.

The more specific provisions of the Federal Unemployment Tax Act may be summarized as follows:

#### (1) Coverage Provisions

In general, all employers employing eight or more workers in employment for some portion of a day in each of 20 weeks during a calendar year are subject to the 3 per cent pay roll tax.<sup>23</sup> However, the following type of service is exempt from tax and excluded from the definition of employment under the Act:<sup>24</sup>

1. Agricultural labor.
2. Domestic service.
3. Casual labor.
4. Maritime service.
5. Family employment.
6. Federal Government service.
7. State Government service.
8. Employment for charitable and similar non-profit organizations.
9. Railroad employment.
10. (a) Certain services for organizations exempt from Federal income tax;  
(b) Employment for agricultural organizations exempt from Federal income tax;  
(c) Students earning less than \$45.
11. Employment by Foreign Government.
12. Employment by instrumentality of Foreign Government.
13. Student nurse or interne.
14. Insurance Agents (paid by commission).
15. Delivery Newsboys (under 18 years of age).

In addition to the foregoing employment which is excluded entirely from the Federal Act, no part of an employer's pay roll representing wages paid to any one employee in excess of \$3,000 per year is taxable.<sup>25</sup>

#### (2) Tax-Offset Provisions

As noted above, 90 per cent of this Federal tax may be offset if contributions are paid to an unemployment fund created under a State unemployment insurance law which has been approved by the Social Security Board. In order to obtain such approval, a State law must contain the following basic provisions:

1. All benefits must be paid through public employment offices or such other agencies as the Social Security Board may approve;

<sup>23</sup> Internal Revenue Code, Sections 1601 and 1602.

<sup>24</sup> Internal Revenue Code, Section 1607 (c).

<sup>25</sup> Internal Revenue Code, Section 1607 (b).

2. All money paid into the State fund must be deposited in the United States Treasury;
3. All money in the State Unemployment Fund must be used solely to pay unemployment benefits;
4. Unemployment benefits must not be denied to any eligible individual who is unemployed for refusing to accept a new job under any of the following conditions:
  - (a) The position offered is vacant due directly to a strike, lockout or other labor dispute;
  - (b) The wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
  - (c) As a condition of being employed the individual is required to join a company union or to resign from or refrain from joining any bona fide labor organization.
5. All rights conferred by the State law must be subject to amendment or repeal at any time by the Legislature.

The foregoing standards are the only requirements under the Federal Act which a State law must include in order to receive approval and certification by the Social Security Board pursuant to Section 1603 of the Internal Revenue Code.

### (3) Additional Credit Provision

In addition to the tax offset which applies to every employer subject to the Federal Unemployment Tax Act, additional credit against the Federal tax is allowed to certain employers where the State law contains a merit rating or experience rating provision. This means that some employers may claim a 2.7 per cent credit against the Federal pay roll tax even though the amount actually paid under the State law is less than 2.7 per cent. The inclusion of a merit rating provision, however, is purely optional with the State and is not necessary for approval of its law.

Section 1602 of the Internal Revenue Code prescribes the standards which are required of a State law before an additional credit is allowed against the Federal tax. All State laws having a pooled fund must provide that no reduction in tax below 2.7 per cent is permitted to any employer except "... on the basis of his experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during (a period of) not less than the three consecutive years immediately preceding . . . ."<sup>26</sup> Certain other provisions are required of those few States which have an employer reserve fund.

The Social Security Board has recently construed the language of Section 1602 very liberally, at least insofar as it applies to pooled fund laws.<sup>27</sup> Apart from the legal validity of the statutory construction, the States are given considerable latitude in the type of merit rating formula which may be adopted without eliminating the benefit of additional credit under the Federal law.

<sup>26</sup> Section 1602 (A) (1) of the Internal Revenue Code provides in full as follows:

"No reduced rate of contributions to a pooled fund or to a partially pooled account, is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or to the factors being a direct relation to unemployment risk during not less than the three consecutive years immediately preceding the computation date;"

<sup>27</sup> See U. C. Program Letter No. 78 (Social Security Board).

## GRANTS FOR UNEMPLOYMENT INSURANCE ADMINISTRATION

The second unemployment insurance feature of the Social Security Act is found in Title III,<sup>28</sup> granting funds to the various States to defray the costs incurred in the administration of unemployment compensation laws. These "Title III funds" are in the form of direct grants to the States and are not on a matching basis. From the total amount appropriated by Congress each year, the funds are parceled out among the States by the Social Security Board.

The conditions on which administrative funds may be granted to or withheld from the individual States are somewhat general and elastic.

Under Section 303 of the Social Security Act, no State is entitled to receive such funds unless its law has been approved and provides, among other things, for

- (a) such methods of administration as are reasonably calculated to insure full and prompt payment of benefits;
- (b) opportunity for a fair hearing before an impartial tribunal to all individuals whose claim for benefits are denied;
- (c) reports and information which the Social Security Board may require from time to time.

In addition, the same statute requires that funds be withheld any State where the Social Security Board finds, after due notice and hearing, that the administrative agency of the State has failed to properly administer certain provisions of the law, particularly in respect to the payment of benefits to eligible individuals and in furnishing data to those agencies of the Federal Government administering an unemployment insurance law.

Under Section 302 of the Social Security Act, provision is made for the disbursement of funds to the States from the annual appropriation made by Congress. The amount of money which the Social Security Board "determines to be necessary for the proper and efficient administration"<sup>29</sup> of the State law is the governing principle whereby the sum granted to each State is computed. The Federal statute requires that this determination by the board shall be based on

- "(1) the population of the State;
- (2) an estimate of the number of persons covered by the State law and of the cost of proper and efficient administration of such law; and
- (3) such other factors as the board finds relevant."<sup>30</sup>

An overriding limitation on the Social Security Board in determining the amount allowable to any individual State during any fiscal year is the legal restriction that the sum of all grants must not exceed the total amount appropriated by Congress.<sup>31</sup>

As a matter of practice, the procedure followed by the Social Security Board in granting administration funds to the States involves a budget formula based on the work load (time and cost of various operating

<sup>28</sup> Title III of the Social Security Act is comprised of Sections 301-303.

<sup>29</sup> Section 302 (a) of the Social Security Act.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

functions) of the State Agency. Although this method may be somewhat at variance with the legal requirements of Section 302 of the Social Security Act, it is the basis followed at the present time in determining the amount of the grants to the States. The specific standards which have been established by the Board as necessary for "proper and efficient administration" relate to expenditures for travel, procurement and personnel made by the State agency.<sup>31a</sup> In the main, these restrictions are similar to those imposed on other State departments which are financed through the State itself.

The total amount collected in the United States under the Federal Unemployment Tax Act and the total amount appropriated annually by Congress for direct grants of administration funds to the States under Title III of the Social Security Act appear as follows:

FEDERAL UNEMPLOYMENT TAX ACT		FEDERAL GRANTS FOR STATE UNEMPLOYMENT INSURANCE ADMINISTRATION
Total Collections <sup>32</sup> (Total United States)		Total Appropriations <sup>33</sup> (Total United States)
1936-----	(no tax)	\$2,748,000
1937-----	\$80,649,000	26,256,000
1938-----	88,740,000	53,995,000
1939-----	102,001,000	61,806,000
1940-----	105,379,000	59,200,000
1941-----	98,018,000	65,497,000
1942-----	123,470,000	*69,860,000
1943-----	160,966,000	*32,376,000

\* Excludes employment service after November 30, 1942.

It should be pointed out that the amount of money granted to the States under the various other titles of the Social Security Act is far in excess of the revenue derived from the Federal Unemployment Tax Act.

### C—State Unemployment Insurance Legislation <sup>34</sup>

Under the inducement of the tax offset device of the Federal Unemployment Tax Act, all of the States, the District of Columbia, and the Territories of Hawaii and Alaska have adopted unemployment compensation laws. All of the State laws follow a similar pattern; although the law of no State is identical with that of another. The coverage provisions, the revenue features, the eligibility requirements, the amount and duration of benefits, the disqualification provisions, and the administrative organization vary according to the particular jurisdiction. The nature of the significant provisions common to most States may be summarized as follows:

#### COVERAGE

In general the coverage provisions in most States are based on the Federal Unemployment Tax Act. From the Taxation Table which

<sup>31a</sup> In addition to these formal standards, the Social Security Board exercises general supervision over all expenditures by the State agency.

<sup>32</sup> Figures from Social Security Year Book of 1943, page 76.

<sup>33</sup> Figures from Social Security Year Book of 1943, page 76.

<sup>34</sup> The term "State" as used herein includes the territories of Alaska and Hawaii and the District of Columbia as well as the 48 States. Each of these jurisdictions has a separate unemployment compensation law.



appears in Appendix B of this report, it will be seen that 23 States still follow the provisions of the Federal pay roll tax covering only those workers engaged by employers having eight or more workers during 20 weeks out of a calendar year.<sup>35</sup> In 14 States, however, workers employed by firms having one or more are covered.<sup>36</sup> The coverage provisions in the remaining States vary between these two limits.

Likewise, the major tax exemptions in the Federal tax have been incorporated in most State laws, thereby excluding certain types of employment from the scope of the unemployment insurance program. In general, all State laws exclude agricultural labor, domestic service, family employment, government service, railroad employment, and service for nonprofit charitable organizations. Other minor classifications are excluded in some States.

### CONTRIBUTIONS

The employer contributions in each State law are directly related to the tax offset provisions of the Federal pay roll tax. Worker contributions are imposed in only four States (California, Alabama, New Jersey and Rhode Island). Under the laws of eight States a uniform 2.7 per cent contribution is levied on all employers equally.<sup>36a</sup> In the remaining States having merit rating provisions, the tax is variable, with some employers paying a high tax and others a low tax. In these jurisdictions the individual tax rate may be reduced below 2.7 per cent to as low as zero, or in 19 States may exceed 2.7 per cent, reaching as high as 4 per cent. Ten States have adopted war risk contributions imposing a higher tax on certain industries for the duration of the war.<sup>36b</sup>

All contributions are paid to a State fund and must be used only for the purpose of paying unemployment benefits. In 45 States a pooled fund is maintained and all moneys are mingled.<sup>37</sup> The other six States have an employer reserve fund and all money collected in taxes is kept in separate reserve accounts.<sup>38</sup> In these States benefits are paid from the individual employer reserve accounts rather than from a pooled fund, and unless special provision is made, no benefits can be paid after the employers' reserve has been exhausted.

A comparative taxation table containing the basic tax provisions and the tax rates applicable under the laws of each State appears in Appendix B of this report.

<sup>35</sup> As of January 1, 1945, 24 States had eight or more coverage. At the time of printing (March 31, 1945), however, the State of New Jersey had reduced coverage to four or more.

<sup>36a</sup> As of January 1, 1945, 13 States had one or more coverage. However, during 1945 the Legislatures of 44 States are in session and at the time of printing (March 31, 1945) one additional State (Maryland) had amended its law to extend coverage to one or more. See taxation table in Appendix B.

<sup>36b</sup> During its recent 1945 legislative session, New York adopted a modified merit rating law. Also, in October of 1945, a merit rating provision becomes operative in Louisiana. Thus, after this year, six States will have a uniform 2.7% tax rate for all employers.

<sup>37</sup> During 1945, two additional States (Georgia and Kansas) have adopted war risk contributions. A complete digest of the 10 States which adopted war risk contributions in 1943 appears in Appendix D, pages 26 and 27, of the Preliminary Report submitted by your committee on June 15, 1944.

<sup>38</sup> In most of the 45 States having a pooled fund a separate account is maintained for each employer for the purpose of computing merit rating. However, the status of an employer's account in these States with a pooled fund has nothing to do with benefit payments which are made from the general fund irrespective of the balance of the individual employer's account.

<sup>39</sup> States having employer reserve funds include Indiana, Kentucky, Nebraska, North Carolina, South Dakota, Wisconsin. In view of the special provisions of the Internal Revenue Code with respect to additional credit that apply to employer reserve funds only, it is possible that several of these States will change to a pooled fund in the near future. See Section 1602 of the Internal Revenue Code.

### WAGE ELIGIBILITY

In order to qualify for benefits, all States require a minimum amount of earnings during a preceding period, which is usually one year. In about 22 States (including California) a flat amount of earnings is required of all workers.<sup>39</sup> In the remaining States, except Wisconsin, the amount of earnings necessary to qualify generally varies according to the earning capacity of the worker and the length of time employed.

The wage eligibility requirement of each State appears in digest form in the Benefit Table in Appendix C of this report.

### DISQUALIFICATIONS

All State laws contain certain basic disqualifying conditions. The major causes for disqualifications are (1) voluntarily leaving work without good cause, (2) refusal of suitable work without good cause, or (3) discharge for misconduct. The duration of each particular disqualification varies in each State. However, in some States the disqualification operates as a cancellation in part or in toto of the benefit rights of the claimant and not as a suspension of benefits.

All States require a waiting period before benefits are payable. In 36 States the waiting period is one week.<sup>40</sup> In the remaining 15 States a two-week waiting period is required.

The major disqualification provisions and the waiting period required in each State are compared in the Disqualification Table in Appendix D of this report.

### AMOUNT AND DURATION OF BENEFITS

The weekly benefit amounts vary from a minimum range of \$2 to \$10 per week to a maximum range of \$15 to \$25 per week, depending in each case on the amount of earnings of the individual during a preceding period.<sup>41</sup>

The number of weeks that benefits are payable also vary in each State. Under the laws of 17 States any eligible claimant may draw benefits for a uniform period of weeks. In the remaining States the duration of benefits varies according to the amount of earnings and may reach as high as 26 weeks.<sup>42</sup>

The amount and maximum duration of benefits payable under the law of each State is compiled in the Benefit Table in Appendix C of this report.

<sup>39</sup> In several of these States the amount of wages necessary to qualify must be spread over more than one calendar quarter. See the Benefit Table in Appendix C.

<sup>40</sup> As of January 1, 1945, 32 States provided a one-week waiting period. At the time of printing (March 31, 1945) four additional States amended their law to provide a one-week waiting period. In some instances, however, there is more than one week of waiting period during the benefit year. See the Disqualification Table in Appendix D.

<sup>41</sup> As of January 1, 1945, the maximum weekly benefit amount payable in any State was \$22. However, at the time of printing (March 31, 1945) the State of Washington had amended its law to provide a maximum weekly benefit amount of \$25. See the Benefit Table in Appendix C of this report for the provision in each State with recent changes.

<sup>42</sup> At the time of printing (March 31, 1945) four States had amended their unemployment insurance law during 1945 to provide a maximum 26 weeks duration of benefits. See Benefit Table in Appendix C.

### CLAIMS PROCEDURE

In order to receive benefits an individual must file a claim in accordance with the rules of procedure established by the administrative agency. Provision is made in each State whereby an individual may appeal from the original determination which denies his claim for benefits. There are generally two levels of administrative review involved. The first appeal authority is usually referred to as a tribunal and is composed of either a single referee or, in many States, three members representing labor, industry, and the public.<sup>43</sup> The second and final appeal on an administrative basis is to the commission or a board of review, or in some cases a single director.<sup>44</sup>

### ADMINISTRATIVE ORGANIZATION

Each State law is administered through a State agency which is a part of either an existing State department or forms an independent department itself. In many States, the administrative agencies are composed of members representing industry and labor as well as the public. Provision is generally made for the operation of an employment service in addition to unemployment insurance functions.

### D—Other Federal Legislation

In addition to the unemployment insurance phase of the Social Security Act, the following Federal legislation relating to unemployment insurance has been adopted and is administered by the Federal Government:

### RAILROAD UNEMPLOYMENT INSURANCE ACT <sup>45</sup>

The Federal Railroad Unemployment Insurance Act was enacted in 1939 to cover railroad employment throughout the United States. It is a completely Federal program resulting from the unsuccessful experience of the several States in attempting to cover a type of employment which is primarily and predominately interstate in character.

In general, this act includes all workers engaged in railroad employment subject to the Interstate Commerce Act. To qualify for benefits, a worker must earn \$150 during the previous calendar year. Benefit payments range from \$1.75 to \$4 per day, depending on the total compensation received during the previous calendar year, and are payable for a maximum period of 100 days out of a benefit year. A waiting period of seven days is required for the first 30 days of unemployment, and thereafter the waiting period is four days for each 30 days of unemployment during a benefit year. No benefits are payable for Sundays or holidays. A 30-day disqualification is imposed for refusing suitable employment without good cause or for leaving work voluntarily without good cause. Disputed cases are appealed first to a district board comprised of a chairman representing the Railroad Retirement Board, a representative of employees and a representative of

<sup>43</sup> According to a summary issued by the Social Security Board, the first appeal authority in 29 States is comprised of three members representing labor, management and the public.

<sup>44</sup> The final appeal authority is comprised of a tri-partite board representing labor, management and the public under the laws of 17 States.

<sup>45</sup> U. S. C. A. Tit. 45, Ch. 11, Sections 351-367.



employers. From this tri-partite district board an appeal may be taken to the Railroad Retirement Board, which is charged with the administration of the act. A review of the decision of the board may be had by proper petition to the United States District Court. Each employer is required to contribute 3 per cent of his pay roll (on all wages up to \$300 per month) to the fund. There are no employee contributions. Of all moneys collected, 90 per cent is paid into an unemployment trust fund for the purpose of paying benefits. The remaining 10 per cent is available for administrative expenses.

During the fiscal year ending 1943, more than 3,000,000 workers were engaged in employment covered by the Railroad Unemployment Insurance Act.<sup>46</sup> During the month of December, 1943, about 1,600,000 were covered by this Federal Unemployment Insurance Law.<sup>47</sup>

#### SERVICEMEN'S READJUSTMENT ACT OF 1944 (THE "G. I. BILL")<sup>48</sup>

Title V of the Servicemen's Readjustment Act of 1944,<sup>49</sup> commonly referred to as the "G. I. Bill," establishes a system of unemployment compensation providing for the payment of unemployment benefits (called readjustment allowances) to returning veterans.

Briefly, under the provisions of the act, benefits in the amount of \$20 per week are payable to any veteran receiving a discharge other than dishonorable<sup>50</sup> after 90 days or more of active service, provided he is unemployed and available for suitable work.<sup>50a</sup> In general, after 10 months or more of active service,<sup>51</sup> a veteran is entitled to receive 52 weeks of unemployment benefits,<sup>52</sup> which are payable at any time within two years after the termination of the war, or within two years after discharge if released after the termination of the war.<sup>53</sup> No waiting period is required; and all major disqualifications are for a uniform period of from one to five weeks.<sup>54</sup> Provision is made for the payment of benefits to those self-employed who earn less than \$100 per month.<sup>55</sup> The Federal Administrator of Veterans' Affairs is authorized to administer the unemployment compensation system established by the act, utilizing the existing Federal and State agencies insofar as possible.<sup>56</sup>

#### WAR MOBILIZATION AND RECONVERSION ACT OF 1944 (GEORGE BILL)<sup>57</sup>

Under Title IV the War Mobilization and Reconversion Act of 1944, commonly referred to as the "George Bill," provision is made for the

<sup>46</sup> Social Security Year Book of 1943.

<sup>47</sup> *Ibid.*

<sup>48</sup> Public Law 346 (Seventy-eighth Congress) Chapter 268 Second Session.

<sup>49</sup> Title V of the Servicemen's Readjustment Act of 1944 is comprised of Sections 700 to 1400, inclusive.

<sup>50</sup> Although Section 700(a) of the Servicemen's Readjustment Act of 1944 provides for readjustment allowances to veterans discharged "under conditions other than dishonorable," it should be pointed out that the interpretation of this section has been restricted somewhat by the Veterans Administration acting pursuant to Chapter II, particularly Section 300, of the Servicemen's Readjustment Act of 1944.

<sup>50a</sup> The Act contains a provision (Section 700 (b) (4)) whereby a veteran who becomes disabled after filing a claim is entitled to benefits, although he is physically unable to work. This disability provision was adopted by 3 States in 1945.

<sup>51</sup> Any eligible veteran may receive a maximum of 52 weeks of benefits. During the first 90 days he is entitled to eight weeks of benefits for each month of service. Thereafter, he is entitled to four weeks of benefits for each month of service. Thus after 90 days a total of 24 weeks will have accumulated and the maximum of 52 weeks will have been reached seven months after the 90-day period.

<sup>52</sup> Servicemen's Readjustment Act of 1944, Section 700 (a).

<sup>53</sup> *Ibid.*

<sup>54</sup> Servicemen's Readjustment Act of 1944, Section 800. Provision is made in Section 800 (c) authorizing the suspension of benefit rights for an additional period up to eight additional weeks in the case of a successive disqualification for voluntarily leaving suitable work or refusing work without good cause or refusing to attend a training course.

<sup>55</sup> Servicemen's Readjustment Act of 1944, Section 902.

<sup>56</sup> Servicemen's Readjustment Act of 1944, Section 1100.

<sup>57</sup> Public Law 458 (Seventy-eighth Congress) Chapter 480 (Second Session).



creation of a special account in the Federal Treasury from which loans may be made to the various States to maintain the solvency of their unemployment funds.

This act amends the Social Security Act and adds a new title (Title XII)<sup>58</sup> creating a special account to which all moneys are credited that are collected under the Federal Unemployment Tax Act and not used for unemployment administration purposes. During the period June 30, 1945, until July 1, 1947, a State may obtain advances or loans from this account if the amount of money in the State fund falls below the total collections during the previous year (the higher of the two preceding years). The amount which may be loaned to a State is a sum equal to the excess of benefits paid out over contributions paid in during a calendar quarter. Any amount advanced to a State is without interest, but must be repaid when the State fund has been replenished.<sup>59</sup>

It is stated that this Federal Loan Fund was created with the intention of encouraging the States to provide more adequate postwar benefit protection for their workers without fear of the consequences of possible fund insolvency during the reconversion period.<sup>60</sup>

<sup>58</sup> This new Title is Section 1201 of the Social Security Act. See Section 402 of the War Mobilization and Reconversion Act of 1944.

<sup>59</sup> War Mobilization and Reconversion Act of 1944, Sections 401 and 402.

<sup>60</sup> See "Postwar Solvency of State Unemployment Funds" (October 1944), the committee report to the Interstate Conferences of Employment Security Agencies. Members of the committee were Paul A. Raushenbush, Chairman (Wisconsin) Robert T. Malone, (Nebraska), James M. Roshrow (Delaware). This report states "It should be noted that Congress intended the new 'loan' fund to encourage action by each State to provide more adequate postwar benefit protection for its own covered workers".

### CHAPTER III—UNEMPLOYMENT INSURANCE IN CALIFORNIA

The California Unemployment Insurance Act was approved by the Governor on June 25, 1935.<sup>61</sup> Although enacted prior to the Social Security Act of 1935, it was adopted in view of the pending Federal law and by its very terms was, and remains today, conditioned on the existence of Federal legislation imposing a tax on the payment of wages against which contributions paid to a State unemployment fund may be offset.<sup>62</sup>

With the passage of the Federal Social Security Act, the California law became operative and was approved by the Social Security Board on December 27, 1935. Contributions to the State Unemployment Fund became payable on and after January 1, 1936. However, benefits to eligible workers were not paid until two years later, beginning January 1, 1938.

The constitutionality of the act was sustained by the California Supreme Court in 1936 in the case of *Gillum v. Johnson* 7 Cal. (2d) 744. Significant changes have been made in the provisions of the act during every session of the Legislature subsequent to its original enactment.

#### A—Basic Provisions of the California Unemployment Insurance Act

The basic provisions of the present Unemployment Insurance Act may be summarized as follows:

##### PUBLIC POLICY

It is the declared public policy on which the Unemployment Insurance Act is based that since the evils of temporary unemployment are reflected in terms of unstable purchasing power which is detrimental to the State and that such evils can not be prevented by a relief program without excessive expense to the State, and since the prices of goods and services should include the cost of unemployment, it is for the benefit of the public welfare to compel the setting aside of funds to provide benefits for persons involuntarily unemployed and to reduce involuntary unemployment and suffering caused thereby to a minimum.<sup>63</sup>

##### COVERAGE

The California act covers all workers who are employed by a subject employer and are not engaged in certain types of exempt employment.<sup>64</sup> In general, an employer is subject to the law if he employs four or more workers for some part of a day in each of 20 different weeks during a calendar year. Effective February 1, 1945, an employer who has four or more workers engaged in nonexempt employment will also become subject if his total pay roll during a calendar quarter exceeds \$3,000.<sup>65</sup>

<sup>61</sup> Statutes, 1935, Chapter 352. By amendment in 1939 the former unemployment reserves system was named the Unemployment Insurance Act.

<sup>62</sup> Unemployment Insurance Act, Section 2. This provision is not found in all State laws, however.

<sup>63</sup> Unemployment Insurance Act, Section 6.

<sup>64</sup> Unemployment Insurance Act, Sections 7 and 9.

<sup>65</sup> Unemployment Insurance Act, Section 9.1.

The following service is exempt from the act and excluded from the definition of employment thereunder:<sup>66</sup>

1. Agricultural labor;
2. Domestic service;
3. Maritime service;
4. Family employment;
5. Employment by the Federal Government or instrumentality;
6. Employment by the State Government or instrumentality;
7. Employment by certain charitable, educational and similar non-profit organizations;
8. Employment covered by a Federal unemployment insurance law;
9. Employment by nonprofit organizations exempt from Federal tax;
10. The following employment if it is also excluded from Federal tax:
  - a. Certain domestic service;
  - b. Casual labor;
  - c. Certain organizations exempt from Federal income tax;
  - d. Horticultural and agricultural associations;
  - e. Employee beneficiary society;
  - f. Students earning \$45 or less;
  - g. Employment by foreign government;
  - h. Employment by instrumentality of a foreign government.
11. Student nurses and internes.

In general, the foregoing exemptions follow the pattern of the Federal tax provision.<sup>67</sup>

## CONTRIBUTIONS

Contributions under the California Act are derived from two different sources. A flat 1 per cent tax is imposed on employees with respect to all wages paid to them in subject employment up to \$3,000 per year.<sup>68</sup> Employers are required to pay a tax ranging from 1 per cent to 2.7 per cent on all wages paid up to that amount.<sup>69</sup> This variable tax rate for employers is normally referred to as merit rating or experience rating.

The act provides for a pooled fund in which all contributions are mingled. Although generally each benefit payment is charged to a specific employer's account which together with other factors may affect his contribution rate, benefits are payable from the fund irrespective of the status of an individual employer's bookkeeping account.

All contributions are deposited in the Unemployment Trust Fund maintained in the United States Treasury, and moneys are requisitioned therefrom to pay benefits.

## ELIGIBILITY FOR BENEFITS

In order to receive benefits under the California Act, an unemployed individual must meet at least 10 different eligibility requirements (See Sections 56, 57, 57.5, 58). Primarily, a worker must earn at least \$300 in subject employment during his base year (a one-year period) to establish a valid claim for benefits. In addition thereto, the individual who

<sup>66</sup> Unemployment Insurance Act, Section 7.

<sup>67</sup> The coverage provisions of the Federal Unemployment Tax Act are set forth above in Chapter II-B of this report.

<sup>68</sup> Unemployment Insurance Act, Sections 44 and 44.2.

<sup>69</sup> Unemployment Insurance Act, Sections 38 and 39.

is unemployed must be physically able to work and willing to take a job and must not be eligible for benefits under the laws of any other State or of the United States. It is also necessary to comply with the procedural requirements of filing a claim and properly registering for work.

When all of the foregoing requisites are satisfied, benefits are payable after a two week waiting period, provided there is no ineligibility for certain conditions commonly referred to as disqualifications.

#### DISQUALIFICATIONS

As noted above, disqualifications under the California act are actually grounds for ineligibility and operate as a suspension or postponement of benefit payments rather than as a cancellation thereof. The disqualifications, or conditions of ineligibility, are as follows:

- (a) 2 weeks for voluntarily quitting a job without good cause;
- (b) 1 to 6 weeks for being discharged for misconduct;
- (c) 1 to 4 weeks for making a false statement;
- (d) An indefinite period for refusing suitable employment without good cause;
- (e) An indefinite period for leaving work because of trade dispute.

#### AMOUNT AND DURATION OF BENEFITS

The weekly amount of benefits payable under the Unemployment Insurance Act varies from \$10 to \$20, depending upon previous earnings. Under the formula set forth in Section 54 of the act, an individual who regularly earns \$15 per week is entitled to benefits of \$10 per week; an individual whose earning capacity is \$20 a week may qualify for benefits of \$14 per week; and an individual earning \$30 or more per week is entitled to \$20 weekly benefits.

The duration of benefits ranges from a possible minimum of nine weeks to a possible maximum of 23.4 weeks<sup>70</sup> during a one-year period. The act does not specify the number of weeks benefits are payable. Under Section 53 of the act, the total amount of benefits ranges from \$160 to \$468, depending on the total amount of wages earned in covered employment during the base year. The actual duration of benefits in each case is determined by dividing this total award by the weekly amount payable to the particular individual.<sup>71</sup>

#### CLAIMS PROCEDURE AND ADMINISTRATIVE REVIEW

An unemployed worker must file a claim in accordance with the rules established by the commission as well as comply with the eligibility requirements of the law in order to receive benefits. The validity of the claim and the right to benefits is originally determined by a claims examiner in the local office.

<sup>70</sup> It is possible for a claimant to receive benefits for as long as 25½ weeks under the present California Act. However, it is only the individuals who earn consistently \$17 or \$18 a week and are entitled to weekly benefits of \$12 per week for a total award of \$306 who come within this bracket. (Sections 53 and 54 of the Act)

<sup>71</sup> There are several defects in the present formula which have arisen from the 1943 amendment to the law which increased the weekly amount from \$18 to \$20 without increasing the total benefit award. Today, an individual who earns between \$800 and \$900 per year and has earnings of more than \$380 in one quarter is entitled to a total of \$320 in benefits, while the individual who earns \$900 to \$1,000 is only entitled to \$306 in benefits irrespective of his earnings. Prior to 1943 the maximum award of \$468 at \$18 per week benefits would provide a duration of 26 weeks. By increasing the weekly amount from \$18 to \$20 in 1943, the duration of benefits was reduced from 26 weeks to 23.4 weeks.



Provision is made for an appeal by the claimant or his former employer to an impartial referee within seven days after the initial determination by the local claims examiner. Within 10 days after the decision by the referee, an appeal may be taken to the appeals board comprised of three full-time public officials, which is the highest administrative board of review. Where a referee affirms an initial determination granting benefits, the benefits are payable irrespective of any appeal which may be taken thereafter (unless the decision of the referee is set aside).<sup>72</sup>

In disputed tax cases the determination is made by the Appeals Board on the basis of evidence obtained by a referee acting in the capacity of a hearings officer.

#### **ADMINISTRATION**

The Unemployment Insurance Act is administered by the California Employment Stabilization Commission through the Department of Employment.

The commission is composed of the three members of the Appeals Board whose functions are primarily quasi-judicial and the administrative chiefs of the two main divisions—tax collections and benefit payments—into which the department is divided. There is no provision for labor and management representation on the commission, Appeals Board or any other unit of the department.

#### **B—The Operation of the California Unemployment Insurance Act**

As of January 1, 1942, the public employment service maintained and operated by the Department of Employment pursuant to the Unemployment Insurance Act was assumed by the Federal Government as a part of a nation-wide wartime employment program. Since that time neither the Social Security Board nor the State of California has made available funds for the maintenance of public employment offices by the State, and the functions of the Department of Employment have been relegated to unemployment insurance payments and collections.

The following information relative to the Department of Employment and its present operations has been assembled:

#### **ORGANIZATION OF THE DEPARTMENT OF EMPLOYMENT**

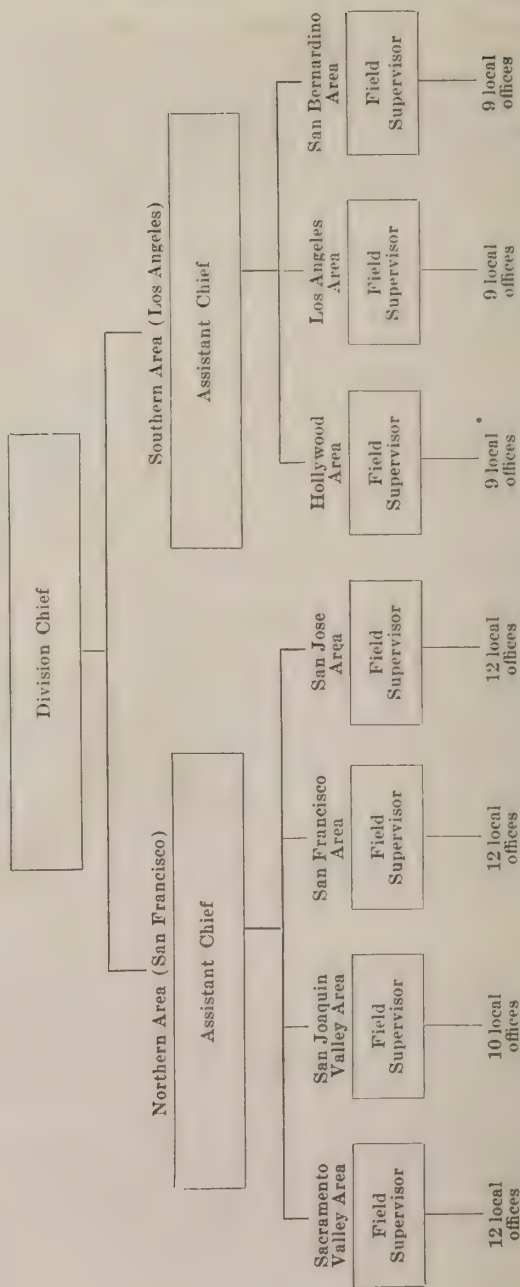
The Department of Employment is comprised of a central office with headquarters at Sacramento and various local offices throughout the State. At present there are some 79 local offices; however, in areas where activity is small, only a part-time service is maintained. All claims for benefits must be made through a local office of the department after registering for work with the United States Employment Service, which is generally located at the same address.

The supervision of the operations performed in the various local offices of the Department of Employment with respect to benefit payments is revealed from the following organizational chart.

<sup>72</sup> See the recent decision of *Matson Terminal Inc. v. California Employment Commission* (1944), 24 Cal. (2d) 695; cf. *Abelleira v. District Court of Appeal*, 17 Cal. (2d) 280.

# **BENEFITS DIVISION—FIELD OFFICE CONTROL**

(As of January 1, 1945)



The Tax Division of the department maintains a field auditing staff comprised of three area offices (Sacramento, San Francisco, Los Angeles) and 14 district offices. The supervision of the field operations of the Tax Division appears as follows:

### TAX DIVISION—FIELD AUDITING

#### Central Office (Sacramento)

Division Chief  
Principal Auditor

#### Sacramento Area Office

Supervising Auditor

#### Six District Offices

- 1—Bakersfield
- 2—Chico
- 3—Fresno
- 4—Marysville
- 5—Redding
- 6—Stockton

#### San Francisco Area Office

Supervising Auditor

#### Five District Offices

- 1—Eureka
- 2—Monterey
- 3—Oakland
- 4—San Jose
- 5—Santa Rosa

#### Los Angeles Area Office

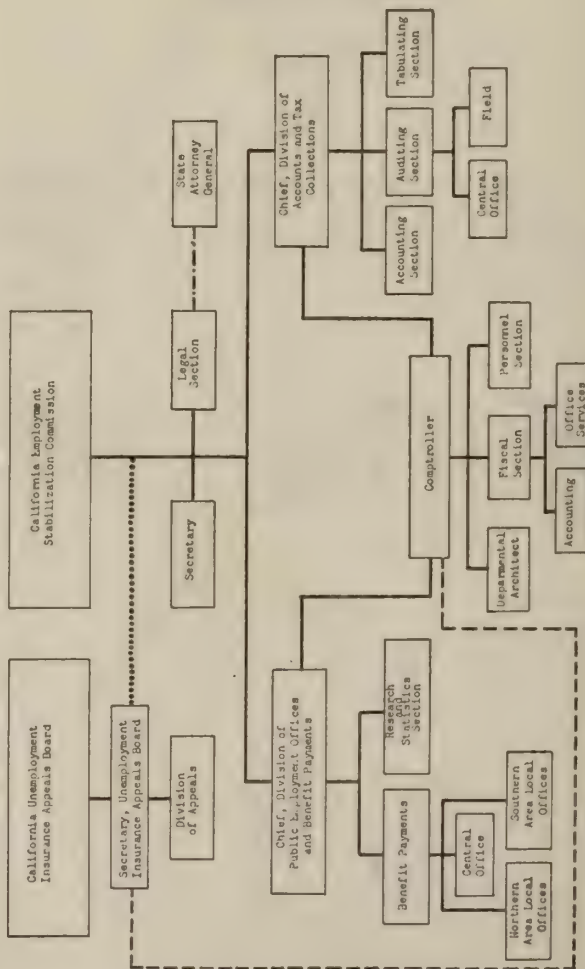
Supervising Auditor  
Branch Offices:  
Pasadena  
Burbank  
Long Beach  
Santa Monica

#### Three District Offices

- 1—San Bernardino
- 2—San Diego
- 3—Santa Barbara

The internal organization of the central office of the Department of Employment and the various lines of authority and control are somewhat complex and uncertain, and may be best observed from the following chart prepared by the commission:

# CALIFORNIA DEPARTMENT OF EMPLOYMENT ORGANIZATION CHART



## LEGEND

- Administrative Authority
- - - Staff Services
- Advisory Service
- Professional control by Attorney General

APPROVED  
CALIFORNIA EMPLOYMENT  
STABILIZATION COMMISSION  
10/17/45



## PERSONNEL OF THE DEPARTMENT OF EMPLOYMENT

As of December 31, 1944, the total number of employees of the department was 871, including 10 temporary and 13 blanket positions. Of this total, 115 were in local offices handling benefit payments and 87 were engaged in tax collections in field offices. The remaining 689 employees were employed in the central office at Sacramento. This information is revealed by the following monthly personnel report:

## CALIFORNIA DEPARTMENT OF EMPLOYMENT

## Personnel Report

## Monthly Report—December 31, 1944

## Permanent Positions

Section	Authorized Positions	Occupied Positions
<b>Stabilization and Appeals</b>		
U. I. Appeals Board .....	5	5
Division of Appeals .....	36	31
Veteran's Administration .....	2	2
<b>Legal</b>		
Legal Section .....	10	10
<b>Public Employment Offices and Benefit Payments</b>		
General Administration .....	3	3
Research and Statistics .....	15	14
Central Office .....	36	34
Local Offices—North .....	83	78
Local Offices—South .....	97	91
<b>Accounts and Tax Collections</b>		
General Administration .....	5	5
Accounting .....	170	154
Auditing .....	64	63
Field Auditing .....	91	87
<b>Staff Services</b>		
General Administration .....	5	5
Personnel .....	4	4
Fiscal—Accounting .....	34	34
Fiscal—Office Services .....	67	57
<b>Tabulating</b>		
Tabulating Section .....	197	171
<b>Total</b> .....	924	848
<b>Temporary Positions</b>		
Fiscal—Office Services .....	1	0
Local Offices—North .....	5	5
Local Offices—South .....	7	5
Auditing .....	0	0
<b>Blanket Positions</b>		
Tabulating .....	2	13
<b>Grand Total</b> .....	939	861

Relative to the personnel involved in making decisions in the field offices affecting the payment of benefits, the following information has been obtained from the Department of Employment records:

Classification	Monthly Salary Range	Number of Employees
Junior Unemployment Insurance Claims Examiner .....	\$130 - 170	61 *
Unemployment Insurance Claims Examiner .....	160 - 200	77
Supervising Unemployment Insurance Claims Examiner		
Grade 1 .....	190 - 230	20
Grade 2 .....	245 - 305	3
Grade 3 .....	320 - 400	1
Referees Unemployment Insurance Appeals Board .....	260 - 320	9
Senior Referees Unemployment Insurance Appeals Board ..	320 - 400	3

\* Five are temporary.

Relative to the personnel involved in field auditing and tax enforcement the following information has been obtained from the Department of Employment:

<i>Classification</i>	<i>Monthly Salary Range</i>	<i>Number of Established Positions December 1944</i>
<b>General Supervision</b>		
Supervising Auditor, Grade II -----	\$320 - \$400	2
Supervising Auditor, Grade I -----	300 - 360	1
<b>Collections</b>		
Supervising Account Clerk, Gr. 1 -----	215 - 255	1
Auditor Grade III -----	270 - 325	1
Auditor Grade II -----	225 - 285	2
Auditor Grade I -----	195 - 235	7
<b>Field Auditors</b>		
Auditor Grade III -----	270 - 325	3
Auditor Grade II -----	225 - 285	29
Auditor Grade I -----	195 - 235	27
<b>Clerical Staff</b>		
Teletype Operator -----	155 - 195	1
Intermediate Stenographer -----	145 - 185	8
Intermediate Account Clerk -----	135 - 175	1
Intermediate Clerk -----	135 - 175	2
Intermediate File Clerk -----	135 - 175	1
Intermediate Typist -----	135 - 175	3
Telephone Operator -----	135 - 175	1
		<hr/> 90

There are five commissioners in the Department of Employment, appointed by the Governor with the consent of the Senate, and a special consultant with noncivil service status, appointed by the commission.<sup>73</sup> The three commissioners who are members of the Appeals Board serve for a four-year term, while the two commissioners who are division chiefs serve at the will of the governor. The salary ranges for these executive positions are as follows:

<i>Classification</i>	<i>Salary</i>	<i>No. Employees</i>	<i>Total Annual Salaries</i>
Commissioner -----	\$7,500 per year	5	\$37,500
Special consultant <sup>74</sup> -----	6,000 per year	1	6,000
			<hr/> \$42,500

#### **COST OF DEPARTMENT OF EMPLOYMENT**

The expenses incurred in the administration of the Department of Employment for unemployment insurance functions only totaled \$2,543,-032.70 during the year period ending June 30, 1944. Of this total, nearly two million dollars (\$1,944,518.41) was used to pay for personal

<sup>73</sup> The position of special consultant at a salary of \$6,000 per year without civil service status was created by the California Employment Stabilization Commission on November 24, 1943. The position was recently filled by a resident of Washington, D. C., formerly associated with the American Retailers Association.

<sup>74</sup> *Ibid.*

services rendered. The number of employees of the Department of Employment on June 30, 1944, was 938. The annual expenditures of the Department of Employment are as follows:

<i>Year ending June 30</i>	<i>No. Employees as of June 30</i>	<i>Personal Services</i>	<i>Other Expenses</i>	<i>Total</i>
1936 -----	n.a.	\$35,483 02	\$42,815 91	\$78,298 93
1937 -----	n.a.	467,809 39	279,025 59	746,834 98
1938 -----	n.a.	2,369,323 95	1,451,379 33	3,820,703 28
1939 -----	n.a.	3,469,522 59	1,172,026 50	4,641,549 09
1940 -----	2,124	3,346,277 73	1,159,197 07	4,507,474 80
1941 -----	2,424	3,689,037 81	1,261,512 07	4,950,549 88
1942 -----	1,244	2,996,578 21**	954,482 75	3,951,060 96
1943 -----	1,120	2,145,766 93**	607,094 02	2,752,860 97**
1944 -----	938	1,944,518 41**	598,514 20	2,543,032 70**

\* Not available.

\*\* Only Unemployment Insurance functions performed since January 1, 1942. Previous years include both unemployment insurance and employment service functions

A complete Statement of expenditures by the Department of Employment for administration purposes for the period November 26, 1935 to June 30, 1944 appears in Appendix L of this report.

### **C—Activity Under the California Unemployment Insurance Act**

The significant unemployment insurance activities in California may be briefly summarized as follows:

#### **NUMBER OF COVERED WORKERS**

An estimated 2,100,000 workers were engaged in employment subject to the Unemployment Insurance Act on December 31, 1944. During the year 1944 there were 3,750,000 workers who worked in insured employment and paid taxes to the Unemployment Fund. However, under the California law a worker pays a tax on all of his wages,<sup>74</sup> but unless he earns more than \$300 in employment subject to the act he cannot qualify for unemployment insurance benefits. Thus of the total 3,750,000 individuals who contributed to the fund, approximately 2,600,000 earned more than \$300 and were therefore protected by unemployment insurance and could file a valid claim for benefits.

Today approximately two-thirds of the working population is engaged in insured employment. In normal times, however, only about one-half of the labor force is in employment covered by the act.

The following is a tabulation by years of the average number of workers engaged in insured employment at the end of each month during the year, the number of workers with more than \$300 earnings in insured employment each year, and the number of workers who earned some wages during the year in insured employment.<sup>75</sup>

<sup>74</sup> All wages under \$3,000 per year are taxable.

<sup>75</sup> All statistical information obtained or compiled from the records of the Department of Employment.

**CALIFORNIA INSURED EMPLOYMENT  
WORKERS COVERED BY THE UNEMPLOYMENT INSURANCE ACT**

Number of Workers	1938	1939	1940	1941	1942	1943	1944
I—Employed at any one time (Average of monthly employment)	1,280,913	1,236,697	1,384,386	1,672,950	1,981,973	2,274,031	2,202,896
II—With over \$300 annual earnings (Those who could qualify for benefits)	N.A.*	N.A.*	1,498,000	N.A.*	2,300,000	2,651,000	2,615,000
III—With some annual earnings (Includes those with less, as well as those with more, than \$300 earnings)	N.A.*	N.A.*	2,191,000	N.A.*	3,450,000	3,800,000	3,752,804

\* Not available.

**NUMBER OF WORKERS PAID BENEFITS**

A total of 95,694 workers (86,521 from California and 12,316 from others States) were unemployed at some time during the year 1944 and filed a claim for unemployment insurance benefits against the California fund. Of this total number who filed a claim, only 57,264 were actually paid benefits. The others were either reemployed before qualifying for their first check, disqualified from benefits, or did not earn the necessary \$300 in subject employment.

A comparison with previous years may be made as follows:<sup>76</sup>

**CALIFORNIA  
BENEFICIARIES UNDER THE UNEMPLOYMENT INSURANCE ACT**

	1938	1939	1940	1941	1942	1943	1944
Number of workers filing claims .....	488,898	477,035	479,267	430,982	295,756	80,694	95,694
Number of workers paid benefits .....	N.A.*	369,084	373,590	286,312	209,076	46,707	57,694
Number of workers filing claims but earning less than \$300 .....	105,162	69,956	79,608	75,812	36,082	10,183	9,525

\* Not available.

**NUMBER OF CHECKS AND AMOUNT OF PAYMENTS**

The number of unemployment insurance claims paid reached an all-time low in October of 1943 with an average of 4,233 checks issued per week and total payments for the month falling to \$281,918. This was at the same time California reached its highest employment peak. In January 1945, the average weekly number of checks increased to 16,902 and total payments for the month were \$1,387,316.

The following tabulation shows the total amount of benefits paid and the number of unemployment insurance checks issued each year to unemployed workers who filed claims against the California fund.<sup>77</sup>

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.



**CALIFORNIA  
NUMBER OF CHECKS AND AMOUNT OF BENEFIT PAYMENTS**

Year	<i>Number of Checks</i>			<i>Amount of Payments</i>		
	Total	California	Out of State	Total	California	Out of State
1938-----	2,484,511	2,448,356	36,155	\$23,748,748	\$23,392,890	\$355,858
1939-----	3,807,296	3,658,313	148,983	38,591,829	37,122,029	1,469,800
1940-----	4,852,472	4,628,441	224,031	65,048,317	61,910,603	3,137,714
1941-----	3,767,316	3,547,519	219,797	52,023,599	48,768,455	3,255,144
1942-----	2,608,338	2,397,545	210,793	37,502,107	34,237,812	3,264,295
1943-----	490,968	448,971	41,997	7,389,845	6,694,787	695,058
1944-----	577,944	549,500	28,444	9,978,680	9,448,207	530,473

The number of checks and amount of payments by months during the year 1944 appears in Appendix K of this report.

**DISQUALIFICATIONS**

During the calendar year 1944 a total of 25,985 disqualifications were imposed. Of this total, 16,939 were on the basis of nonavailability of the claimant for work, 6,937 for refusal of suitable employment, and 1,770 for voluntarily quitting.

The disqualifications for previous years which are available from the records of the Department of Employment may be compared as follows:<sup>78</sup>

**CALIFORNIA  
DISQUALIFICATIONS FROM BENEFITS**

Year	Total	Not Available for Work	Refusal of Suitable Employment	Voluntary Quitting	Discharged Misconduct	Fraud
1941 (last 6 months)	19,627	6,857	5,515	6,383	690	182
1942-----	45,856	20,557	12,507	10,439	875	294
1943-----	26,479	17,342	6,937	1,770	155	275
1944-----	25,985	16,939	7,902	914	153	78

The number of disqualifications imposed in each year should be considered in the light of the number of claims filed during the year and the employment opportunities existing.

**NUMBER OF APPEALS**

The number of cases in which an appeal was made from an initial determination by a claims examiner in a local office to a referee reached 4,687 during 1944. In 3,566 of these first appeal cases a decision was rendered by the referee.

The number of cases appealed from the decision of the referee to the Appeals Board, during 1944, was 772. The Appeals Board, which is the highest appeals authority, made 763 benefit decisions during the year.

The benefit appeals activity may be compared with previous years as follows:<sup>79</sup>

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

### CALIFORNIA APPEALS ACTIVITY IN BENEFIT CASES

Year	<i>By Referee</i>		<i>By Appeals Board</i>	
	Total Disposed of *	Disposed of by Decision	Total Disposed of *	Disposed of by Decision
1941 (last 6 months)-----	1,944	1,424	152	143
1942-----	4,274	2,574	1,056	981
1943-----	5,460	3,922	1,327	1,306
1944-----	4,687	3,566	772	763

\* Cases not disposed of by decision are generally withdrawals or dismissals of appeals

Of the total 3,566 decisions rendered by the referees during 1944, 3,332 involved appeals made by the claimant and in 1,970 cases (approximately 55 per cent) the claimants were denied benefits by the referee, while in 1,362 cases (approximately 45 per cent) benefits were granted to the claimant. The remaining 234 cases decided by the referee during 1944 involved employer appeals, and in 170 cases (approximately 72 per cent) the decision was against the employer's interest and the referee affirmed the original determination granting benefits to the claimant, while in 57 cases (approximately 28 per cent) the claimant was denied benefits and the decision was in favor of the employer.

A similar breakdown with respect to appeals made to the Appeals Board appears as follows: <sup>80</sup>

### APPEALS BOARD—BENEFIT DECISIONS

Year	Total	<i>Worker Appeal</i>		<i>Employer Appeal</i>	
		Benefits Granted	Benefits Denied	Benefits Granted	Benefits Denied
1941 (last 6 months)----	143	30	50	29	25
1942-----	981	173	286	313	209
1943-----	1,306	350	899	46	11
1944-----	763	194	552	14	3

In reference to tax decisions in which the referee only acts as a hearings officer with the original determination made by the Appeals Board itself, there were a total of 75 petitions for reassessment filed during 1944. In 15 cases the petitions were denied while in 58 cases petitions were granted, either in full (25 cases) or in part (17 cases) or with respect to the penalty only (16 cases). This activity with respect to tax decisions may be compared with previous years as follows: <sup>81</sup>

### APPEALS BOARD—TAX DECISIONS

	1941	1942	1943	1944
Total petitions for reassessment-----	9	138	226	75
Number of petitions denied-----	7	89	87	15
Number of petitions dismissed-----	—	1	3	2
Number of petitions granted-----	2	48	136	58
In full-----	1	30	84	25
In part-----	1	18	48	17
Penalty only-----	—	—	4	16

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

**STATUS OF THE FUND—(Contributions and Expenditures)**

The balance in the Unemployment Fund was \$654,420,236.23 as of February 28, 1945. With increased pay rolls under war conditions the unemployment insurance tax imposed both on employers and employees in this State has produced more revenue than any other State tax. During the year 1943 a total of \$164,000,000 was collected in taxes while the total amount of benefits paid out was only \$7,000,000, an amount which was more than offset by the interest on the fund alone. During 1944 total contributions were \$170,000,000 while the total amount paid in benefits was approximately \$10,000,000, an amount which was again offset by the interest on the fund during the year.

The amount paid in benefits, the amount collected in contributions, and the balance in the fund at the end of each year appears in the following chart:<sup>82</sup>

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<sup>82</sup> Ibid.

## CALIFORNIA UNEMPLOYMENT INSURANCE

Fund Income and Disbursements — 1936-1944

Year	Fund Balance End of Year	Total Benefit Payments	Total Fund Income	Employee Contributions Amount	Employee Contributions Tax Rate	Employer Contributions Amount	Employer Contributions Tax Rate <sup>a</sup>	Interest and Other Income
1936	\$11,208,527 38	-----	\$11,208,527 38	\$3,735,834 84	(1.%)	\$7,471,669 69	(2.7%)	\$1,022 85
1937	66,816,707 60	-----	55,608,180 22	18,233,253 30	(1.%)	36,466,506 62	(2.7%)	908,420 30
1938	107,033,324 84	-----	63,931,970 61	17,734,658 79	(1.%)	44,266,825 48	(2.7%)	1,930,486 34
1939	148,692,115 95	-----	80,205,279 70	20,786,659 17	(1.%)	56,123,979 79	(2.7%)	3,294,640 74
1940	156,097,243 94	-----	72,294,642 34	18,359,364 10	(1.%)	49,570,283 08	(2.7%)	4,364,995 16
1941	200,034,006 08	-----	95,807,170 94	25,741,190 71	(1.%)	65,189,830 33	(2.48%)	4,876,149 90
1942	286,693,641 48	-----	123,974,519 09	34,590,478 87	(1.%)	83,434,336 01	(2.39%)	5,949,704 21
1943	451,479,650 27	-----	172,088,866 50	49,740,080 91	(1.%)	114,741,676 05	(2.28%)	7,607,109 54
1944	621,276,021 65	-----	179,716,333 12	53,396,372 66	(1.%)	116,485,481 80	(2.12%)	9,834,478 66
Total 1936-1944	-----	\$233,559,468 25	\$854,835,489 90	\$242,317,893 35	-----	\$573,750,588 85	-----	\$38,767,007 70

<sup>a</sup> Average employer contribution rate.



From the foregoing, it will be seen that as of December 31, 1944 the total amount collected under the 1 per cent employee tax since 1936 exceeds the total amount of benefits which have been paid from the fund since the beginning of payments in 1938. During the past two years the amount of interest on the fund alone has been sufficient to offset all benefit payments.

The tremendous increase in the amount of money paid into the fund since the beginning of the war can be explained in the light of the large expansion in taxable pay rolls. From the following chart it is seen that taxable wages have increased by more than \$3,500,000,000 since 1940.<sup>88</sup>

**CALIFORNIA**  
**WAGES SUBJECT TO UNEMPLOYMENT INSURANCE**

Year	Total Wages in Insured Employment	Total Taxable Wages
1938-----	\$2,004,178,555	\$2,004,178,555
1939-----	2,003,170,109	*2,003,170,109
1940-----	2,238,118,000	2,025,506,000
1941-----	2,973,486,000	2,699,093,000
1942-----	4,280,398,000	3,892,476,000
1943-----	5,718,448,000	5,098,045,000
1944-----	6,102,000,000	5,400,000,000

\* In 1939, tax limited to first \$3,000 of wages.

<sup>88</sup> Ibid.

## CHAPTER IV—UNEMPLOYMENT INSURANCE PROBLEMS IN CALIFORNIA

### General Survey

In the course of the investigation of the various specific problems arising in the operation and administration of the Unemployment Insurance Act, certain problems of a general and over-all nature have come to the attention of the committee.

There is still much uncertainty as to the role unemployment insurance should play in the economy of the State. In times of high employment when little need exists for unemployment benefits, there is a general disinclination to recognize the fact that the law is designed for periods of low employment and to obviate an expensive relief system. The cost of a sound and adequate program over a normal period has yet to be determined, and for this reason it is impossible to know whether the revenue provisions are geared in accordance with necessary expenditures. After sufficient experience has been acquired, consideration should be given to the eventual adjustment of the financial structure of the entire unemployment insurance system in this State. To accomplish this, however, would require the assistance of competent actuaries and impartial statisticians as well as amendment to the Federal Unemployment Tax Act.

Under the Federal-State cooperative system of unemployment insurance in the United States, the responsibility for providing an adequate unemployment insurance program is with the State itself and not the Federal Government. Unfortunately, there is neither the degree of uniformity in the basic provisions of the State laws nor the degree of cooperation in the administration of the State laws that is necessary for the successful operation of a nation-wide state system of unemployment insurance. Unless legislation is forthcoming from the individual States to improve and integrate the present program, there is serious danger of a general failure of the existing system during the period of postwar readjustment.

The provisions of the Federal Unemployment Tax Act are hardly conducive to uniform State legislation and extension of State unemployment insurance protection and coverage. The Federal act is replete with exemptions and exclusions all of which are continually urged to be incorporated into the State law when in fact only few, if any, of the exemptions and exclusions in the Federal tax law have any place or justification in an employment security law which must include all workers if it is to operate properly and effectively. The Federal Act is still limited to employers of eight or more and requires no basic coverage and benefit standards for approval of a State unemployment insurance law. The tax offset features restrict the use of a sound system of taxation in the State law which will conform to the needs of the program. The provisions of the Federal Unemployment Tax Act appear in reality to be more conducive to a Federal unemployment insurance program than to improvement, uniformity and extension of the existing State system.

Your committee has found two fundamental weaknesses in the operation of the unemployment insurance law in California. One is the

general lack of knowledge on the part of workers and employers of the basic provisions of the law; and the other arises from a lack of proper enforcement of the present provisions of the law. There have been numerous violations of the act and the failure to detect and penalize such cases has caused a general feeling of disrespect and opposition to unemployment insurance on the part of both workers and employers. This condition results primarily from improper administration rather than improper legislation, and unless an effective educational and law enforcement program is carried on by the administrative agency, individual cases of abuse will remain and become magnified to the detriment of the entire unemployment insurance system.

Many individual employers in this State are fundamentally opposed to unemployment insurance and look upon the State law not as a worthwhile end in itself but merely as a means of reducing the Federal tax burden. At the same time many individual workers (chiefly women) have used whatever means necessary to obtain benefits, rationalizing their actions in many instances on the theory that they have contributed to the fund and should be entitled to benefits irrespective of the eligibility requirements in the law. The majority of the employers and workers of this State, however, are in favor of the principle of unemployment insurance and aware of its benefits, if properly and fairly administered. Only through enforcement of the law and education can any real development be expected in the field of employment security.

### Particular Problems

In appraising the various problems arising under the California Unemployment Insurance Act, your committee has not been unmindful of certain basic and fundamental considerations which have a direct bearing on unemployment insurance in this State.

In the first place, California has experienced a tremendous development over a short period of time, becoming the third largest State in the Union. With this increased population and nearly three-quarters of a million returning veterans after the war, California faces one of the most critical periods in its history and may expect severe unemployment, at least for a short time, during the reconversion from war to peace. The necessity of improving the unemployment insurance system to meet this postwar condition is apparent. At the same time a serious unemployment problem may be expected in this State even before the termination of the war.

Secondly, unemployment insurance can greatly minimize the need and expenditures for relief. Where unemployment insurance ends an increase in relief may be expected to begin. In this respect the past experience of the State speaks for itself. During the 10 years preceding the war, California has made large expenditures for direct unemployment relief. The following tabulation reveals the actual cost by years:<sup>84</sup>

<sup>84</sup> Information obtained from the Office of the State Controller. A more detailed statement appears in Appendix G. The negative figure for the fiscal year ending 1943 was explained as money obtained from the disposition of assets and equipment of the State Relief Administration.

**STATE OF CALIFORNIA  
EXPENDITURES FOR UNEMPLOYMENT RELIEF**

Year Ended June 30	State Funds	Federal Grants	Total
1932 -----	\$19,729 63		\$19,729 63
1933 -----	44,241 03	\$10,937,244 04	10,981,485 07
1934 -----	78,852 79	20,255,082 25	20,333,935 04
1935 -----	22,623,618 95	92,605,016 71	115,228,635 66
1936 -----	26,939,706 17	46,466,229 57	73,405,935 74
1937 -----	22,607,953 95	551,992 67	23,159,946 62
1938 -----	32,416,668 25	113,954 83	32,530,623 08
1939 -----	42,345,916 25	41,149 67	42,387,065 92
1940 -----	50,981,404 75	31,408 36	51,012,813 11
1941 -----	27,088,856 82	4,371 03	27,093,227 85
1942 -----	642,051 05		642,051 05
1943 -----	—55,598 73		—55,598 73
1944 -----	50,557 79		50,557 79
<b>Grand Total ---</b>	<b>\$225,783,958 70</b>	<b>\$171,006,449 13</b>	<b>\$396,790,407 83</b>

In addition to these payments by the State of California itself, the various counties in the State have made large expenditures for relief purposes. Unemployment insurance can minimize to a great extent the necessity for a large and costly relief program and at the same time preserve the self-respect and dignity of the temporarily unemployed worker and his family.

Thirdly, it is recognized that the continuance of a nation-wide unemployment insurance program on the basis of individual State laws with State administration requires that each State assume the responsibility of maintaining an adequate unemployment insurance program within its boundaries and at the same time join with other States in providing for interstate cooperation and the prompt payment of benefits to the thousands of workers returning to their home State and the many others migrating from one State to another. Unless the individual States can accept this responsibility and provide an integrated nation-wide system of unemployment insurance through State legislation and intelligent interstate cooperation, there is little reason to expect or to even prefer the continuance of State administration in the field of unemployment insurance.<sup>85</sup>

In the light of these basic conditions, the following specific unemployment insurance problems in this State have been analyzed.

## **A—COVERAGE PROVISIONS**

As pointed out in the preliminary report by your committee, there are over one million workers in California who are not protected by unemployment insurance. Today this means one-third of the working population of the State is engaged in nonsubject employment, while in 1940 one-half of the total labor force was employed in noninsured employ-

<sup>85</sup> In this respect your committee wishes to point out that the Council of State Governments has made an effort to encourage the States to improve their laws to provide a more complete and uniform unemployment insurance system and thereby justify the preservation of the existing system of State administration of unemployment insurance. The recommendations to the States by the Council of State Governments appear in "Unemployment Compensation in the Postwar Period" (December 1944) The Council of State Governments, Chicago, Illinois, Page 1.



ment. According to an estimate recently made by the State Department of Employment, this large group of noninsured workers may be classified as follows:<sup>86</sup>

**CALIFORNIA  
NON-INSURED EMPLOYMENT BY CLASSIFICATION  
AS OF JUNE, 1944**

Employees in firms of less than 4-----	150,000
Employees of non-profit organizations-----	25,000
Employees in domestic service-----	75,000
Employees in Government service <sup>87</sup> -----	465,000
Agricultural workers-----	169,000
Self employed <sup>88</sup> -----	415,000
<b>Total</b> -----	<b>1,299,000</b>

Recognizing that unemployment insurance should be available for all workers in this State, your committee has endeavored to make an evaluation of the provisions of the Unemployment Insurance Act relating to coverage, and to ascertain whether today there are sufficient administrative reasons to justify the continuation of the many exclusions and exemptions which now exist in the law. The various issues involved in this respect are presented in seriatim.

**EMPLOYERS WITH LESS THAN FOUR WORKERS**

From the foregoing chart it is seen that approximately 150,000 jobs are excluded from unemployment insurance coverage because of the present provisions of Section 9 of the act limiting coverage to employers of four or more workers. However, the number of workers employed during the year by firms of less than four is estimated to be approximately 250,000.

Today employers of one or more are covered by the unemployment insurance laws of 14 states,<sup>89</sup> including Pennsylvania (the second largest State in the Union), and every employer of one or more is subject to the Federal Old Age and Survivors Insurance Law.<sup>90</sup> The experience in these States with one or more coverage has been summarized in a report by the State Advisory Council of the North Carolina Employment Security Agency.<sup>91</sup> Briefly, it was revealed that:

“(1) Administrative difficulties are overshadowed by administrative advantages.

“(2) For the 13 States, 77 per cent of all employers employ fewer than eight workers . . . .

<sup>86</sup> From Report 380 # 1 (November 30, 1944) prepared by the Department of Employment a copy of which appears in Appendix F of this report.

<sup>87</sup> The 465,000 employees in Government service who are now excluded from the Unemployment Insurance Act may be segregated into the following groups:

Federal-----	232,000
War Agencies-----	244,000
Non War Agencies-----	38,000
State-----	28,000
Local-----	155,000

<sup>88</sup> It is estimated that of the self-employed 130,000 are farm workers and 285,000 are nonfarm workers.

<sup>89</sup> Prior to 1945, there were 13 States with one or more coverage. At the time of printing (March 31, 1945) however, the State of Maryland had adopted one or more coverage.

<sup>90</sup> The Federal Insurance Contributions Act (formerly Title VIII of the Social Security Act) applies to employers having one or more workers at any time. This act which is part of the Federal Old Age and Survivors Insurance Program should be distinguished from the Federal Unemployment Tax Act which applies to employers having eight or more workers.

<sup>91</sup> “Extension of Unemployment Compensation Coverage to Employers of One or More Workers” published in the North Carolina U. C. C. Quarterly (Spring, 1944), page 35.

"(3) For the 13 states, 13 per cent of all covered workers are employed by units with fewer than eight . . . .

"(4) On the whole, contributions from employers of fewer than eight more than meet the benefit liability of their workers, with a good margin of contributions over benefits. Individually, there is considerable difference in this respect as between employers in different industry groups.

"(5) All States are in agreement in reporting no unwholesome economic effect on small firms which can be charged to unemployment insurance coverage. On the contrary, several States emphatically point to beneficial economic results."<sup>92</sup>

Your committee made inquiry by letter to the State of Pennsylvania to obtain first hand the specific experience of a large State. However, no administrative problems or difficulties were reported in the administration of the Pennsylvania law which has had one or more coverage since 1936.

The number of workers required as a prerequisite to coverage under the unemployment insurance law of each State appears in the Appendix B of this report.

In California, extension of coverage to one or more would include an estimated 90,000 or 100,000 additional employers.<sup>93</sup> The commission believes that it is now prepared for such a change in the law without encountering any difficulty in accounting and tax collection. Furthermore, it is felt that administration of the California act would be simplified in many cases. Our investigation has indicated that under one or more coverage evasion of the law could be more readily detected by auditors of the Department of Employment. The statements of the auditors and the officials of the Tax Division of the department disclose that one of the major problems in tax enforcement arises from the present four or more limitation in the law. In addition, a closer coordination with the auditing sections of the other State taxing agencies and the Federal Bureau of Internal Revenue would be possible since the coverage under the Federal Old Age Insurance Law and the other State tax laws would more nearly parallel each other.<sup>94</sup> Also, a complete work history and wage record of workers could be maintained with greater control over fraudulent claims, particularly where a claimant is drawing benefits and at the same time is working for a firm of less than four workers.

According to estimates prepared by the Department of Employment under the employment and unemployment conditions which prevailed in 1940, the amount of contributions from employers of less than four and their employees would more than offset the amount of benefits resulting from the increased coverage. Thus, from the administrative and fund solvency approach, there is no longer any real reason for excluding this large group of workers from coverage under the Unemployment Insurance Act. Nor would any significant bookkeeping or reporting burden be imposed on the employers involved in view of the fact that under the present Federal Old Age and Survivors Insurance Law wage

<sup>92</sup> Ibid.

<sup>93</sup> Estimate by the Department of Employment.

<sup>94</sup> As a result of an inquiry into the tax enforcement operations of the Department of Employment, your committee found that there is a lack of coordination of the information obtained by the various taxing agencies of this State and the auditors of the Department of Employment do not have available except in few instances the information on employing units which has been obtained in the administration of other State and Federal tax laws.

reports are required from employers of one or more workers and a duplicate of the Federal report would satisfy the requirements of the State law in practically all cases.

The only consideration remaining turns on the question of public policy. Can it be said that the public welfare and interest of the people of the State of California are served to greater extent by maintaining the present tax exemption in favor of employers of less than four and thereby continue to exclude the workers involved from unemployment insurance protection, or by removing the present tax exemption and at the same time providing the benefits of unemployment insurance to this group of workers now excluded. In adopting the Unemployment Insurance Act it has already been recognized that unemployment insurance is the cheapest and most expedient method of meeting the public evils resulting from temporary unemployment. It would appear that these evils of temporary unemployment are just as injurious for the workers employed by firms of less than four as they are for the worker employed by firms of more than four. At the same time, the State suffers from the present exclusion in terms of unstabilized purchasing power, larger expenditures for relief, economic insecurity for a sizable portion of the working population, and less effective administration of the Unemployment Insurance Act.

It is therefore the unanimous opinion of your committee that employers of one or more should be made subject to the Unemployment Insurance Act. One or more coverage has been suggested to the States by the Council of State Governments for expanding and perfecting State unemployment compensation systems.<sup>95</sup>

#### **EMPLOYERS WITH MORE THAN FOUR WORKERS BUT LESS THAN 20 WEEKS OPERATION**

Under Section 9 of the California Act, an employer does not become subject unless he has four or more workers for some portion of each day during a calendar year.

This "20 weeks during a calendar year" requirement has served as an avenue of escape from taxation for many large employers and at the same time has resulted in a loss of the benefits of unemployment insurance for a substantial number of workers. The seriousness of the problem was first called to the attention of the Senate Interim Committee at a public hearing held in Los Angeles on March 9, 10, 11, 1944.<sup>96</sup> The charge was made that certain employers in the construction industry in southern California through a process of forming a new corporation before the expiration of a 20-week period in a calendar year were able to remain in continuous operation with the same personnel and successfully avoid the Unemployment Insurance Act. As a result of an audit by the Department of Employment, it was found that a new corporation was formed for each building project and each project was generally

<sup>95</sup> "Unemployment Compensation in the Postwar Period" (December 1944) The Council of State Governments, Chicago, Illinois.

<sup>96</sup> See Appendix M(I) for statement from the record.



completed within a 20-week period.<sup>97</sup> Five corporations were held liable under Section 9 of the present law on the grounds that substantially all of the assets of the old corporation were held by the new corporation.<sup>98</sup> However, it was reported that many of the construction jobs involving hundreds of workers were completed without legally coming within the terms of the law.

In addition to the construction industry in Southern California, your committee has reason to suspect that there have been a number of cases of actual tax evasion in violation of the act in the motion picture industry. By operating under several fictitious names at different addresses, the total employment of a single employer may exceed by far the required four or more workers during 20 weeks in a calendar year and yet the appearance of each production on a particular lot is that of an independent and distinct employing unit, making a picture in less than 20 weeks out of a year. However, apart from any question of evasion, a large number of independent producers are not subject to the Unemployment Insurance Act because of the "20 weeks during a calendar year" requirement. Even the small concern which makes not more than two or three inexpensive pictures a year will employ as many as several hundred employees in a single day. The following are two actual records obtained from an investigation of a number of small independent studios:

	Production Time *	Number Employees During Pay Roll Week
Picture "A"	13 days (estimate)	100—Cast and crew 400—Approximate number of extras  509—Total
Picture "B"	9 days (actual)	48—Cast and crew 90—Approximate number of extras  138—Total

\* Refers to actual "shooting time" only.

In view of the fact that actors, particularly extra players, are employed by a large number of different studios during the year, it is important in determining the benefit rights that all wages be earned in subject employment.<sup>99</sup> The effect of 20 weeks requirement on coverage in the motion picture industry was reflected by a survey made of the number of firms that are or have been subject to the Unemployment Insurance

<sup>97</sup> A letter from the Department of Employment dated September 8, 1944, reads as follows:

"We have held all the contracting firms in Southern California which were mentioned in the Los Angeles meeting to be subject under Section 5(b) of the Act. The following corporations were involved:

Aircraft Housing Corporation  
Torrance Housing Corporation  
Manchester Village Corporation  
Burbank Gardens, Inc.  
Packalide Gardens, Inc.

It was the practice to organize a new corporation for each project, apparently with the thought that the project would be completed in less than twenty weeks. However, in view of the fact that the stock ownership was in substantially the same hands in each of the corporations and that it was the practice to shift the supervisory personnel and most of the workmen from one project to the other, we held the newly formed corporations to be successors to their predecessors on the ground that the successors had 'acquired the organization, trade or business' of the predecessors. All employer contributions have been paid by these corporations. There is still unpaid wage earner contribution, which we have assessed and which we are proceeding to collect."

<sup>98</sup> Ibid.

<sup>99</sup> Your committee made a list of movie actors who actually were paid unemployment benefit, during a two day period in November, 1944, from the Hollywood office of the Department of Employment. An analysis of these individual cases on the basis of the information obtained from the wage records of the department reveals that out of a total of 63 actors, (mostly extras) 200 were paid unemployment benefits 48 per cent (40) earned over \$2,000 during the year, 72 per cent (49) earned over \$1,000 and 97 per cent (61) earned over \$500. It was found that several of these individuals were employed by 15 different employers and were also employed by the same employer on several occasions. Furthermore, the record only reveals the number of employers that were subject to the Unemployment Insurance Act for whom service were rendered and does not disclose the employers for whom service may have been rendered that were not subject to the act.



Act. Our investigation revealed that of the 220 different motion picture firms in California whose names the committee was able to obtain, only 135 have been subject to the Unemployment Insurance Act, despite the fact that even in the most inexpensive western pictures with actual shooting time as short as one week, there are more than four employees involved. This means that whatever wages were earned in employment with the remaining 85 nonsubject firms did not accrue to the individual in determining his benefit rights, nor was any contribution made to the Unemployment Fund by either the employer or employee.

Perhaps the most striking instance of legal tax avoidance under the "20 weeks during a calendar year" requirement has occurred in connection with some of the largest construction jobs in the State. The magnitude of this loophole in the Unemployment Insurance Act manifested itself very pointedly by the activity of certain so-called "Joint Ventures." A "Joint Venture" is not a corporation with a limited liability, but purely a combination or partnership of certain existing individuals or corporations for the purpose of performing a particular undertaking.<sup>100</sup> The Department of Employment considers a "Joint Venture" as a new employing unit which does not become subject to the act unless it employs four or more individuals during 20 weeks in a calendar year.<sup>101</sup> Whether aware of the State unemployment insurance and Federal unemployment taxes or not, several of the largest construction corporations in the State found it necessary to pool their equipment and assets in order to perform some of the large construction contracts that were offered. Although each corporation was itself subject to the Unemployment Insurance Act, the "Joint Venture" created for the purpose of completing the contract was a new employing unit and not subject to the act for at least 20 weeks, unless voluntarily electing coverage before that time, no matter how many workers were employed.

Your committee found that one such "Joint Venture" employed an average of 2,899 workers per week and a total of 6,302 workers without becoming subject to the act.<sup>102</sup> Another similar nonsubject undertaking

<sup>100</sup> Manual of Tax Liability (Section 2010.00) issued by the Department of Employment provides as follows: "JOINT VENTURES AS EMPLOYING UNITS—A joint venture is a partnership which has been organized usually for the undertaking or doing of a single act or the completion of a single transaction. A partnership on the other hand is characterized by being a general and continuing business venture. Joint ventures are governed by the same laws that govern the formation, existence and dissolution of partnerships \* \* \*."

<sup>101</sup> Ibid.

<sup>102</sup> The following information was obtained from the Department of Employment with respect to this particular concern:

"[A & B], and its affiliated co-adventurers seems to present as striking an example of the situation as any that have been located. [A & B] was originally affiliated with [C], [D], [E], [F], and [G] as a corporation engaged in the construction of Boulder Dam. The combination was known as the "Six Companies."

"In the Fall of 1941 these same companies formed a joint venture and invested the sum of \$600,000 for the purchase of equipment to construct a project in the vicinity of Santa Maria. The relative investments were: [A & B], 35 per cent; [C], 25 per cent; the remaining companies, 10 per cent each. The contract provided for total payment of \$17,000,000. The project was started about September 9, 1941, and operated with four or more employees through the week ended May 2, 1942. It then operated with two employees from the week ended May 9, 1942, to the week ended August 29, 1942. While construction was actually in progress an average of 2,899 employees were engaged. A total of 6,302 different persons were employed on the project. Because of the project extending over two calendar years, the joint venture did not acquire a subject status under the rule of four in 20.

"A contract was entered into in 1942 to construct the Pittsburg Staging Area. A joint venture composed of [A & B], [C], [H], [E], [F], [J], and [K] performed the contract. The venture employed four or more persons from the week ended February 10, 1942, to the week ended June 20, 1942. The number of employees dropped to three from June 20, 1942, to September 15, 1942, at which time the venture books were closed. The venture employed an average of 1,773 persons during the period of operations, and employed a total of 4,221 different persons. The amount of the contract was not obtained."

involved a total of 4,221 workmen.<sup>103</sup> We were informed of the activity of a certain concern which operated continuously for 38 weeks (nine months) with hundreds of workmen and did not become subject to the act because the law requires 20 weeks in a calendar year, and its operations (with more than four workers) began the last 19 weeks of one year and terminated after 19 weeks of the next year. Not only have the workers employed been denied the benefit of wage credits under the Unemployment Insurance Act, but the State has permitted a large source of revenue to escape from the Unemployment Fund.

It was to correct the inequitable situation resulting from the operation of the "20 weeks in a calendar year" requirement that Senate Bill No. 318 was introduced by the committee as an urgency measure during the Fifty-sixth Session (1945) of the California Legislature. This bill has now become law adding Section 9.1 to the Unemployment Insurance Act to provide that any employer of more than four workers becomes subject if and when his total pay roll during a calendar quarter (three-month period) exceeds \$3,000, notwithstanding the fact that his employment activity may be less than 20 weeks in a calendar year.

#### NONPROFIT ORGANIZATIONS

Service for nonprofit organizations is excluded from coverage under the provisions of Sections 7 (g) and 7 (k) of the Unemployment Insurance Act. It is estimated that this exclusion denies the benefits of unemployment insurance to approximately 25,000 workers.

Apart from the question of policy involved in this type of exemption, there is a definite need of a complete and comprehensive inquiry into the organization, operation and activities of many organizations that are now claiming exemption under the present nonprofit provisions of the act. On the basis of a preliminary investigation, your committee has reason to believe that in the case of certain nonprofit institutions now claiming exemption under the law, net earnings are in fact inuring to the benefit of private individuals, although the appearance is simply that of an ordinary rental agreement between the individual and the tax-exempt nonprofit organization. In an attempt to ascertain conformity with the present law, the auditors of the Department of Employment have encountered difficulty in obtaining the necessary records and information from certain institutions of this nature. A complete investigation of the entire field should be made under legislative authority to find exactly what organizations are claiming exemption, their actual operations and internal structure, and the extent of any tax evasion that exists.

Briefly, Section 7 (g) of the California Act excludes those organizations "operated exclusively" for charitable, educational and other similar purposes, provided that no profit is derived by a private individual. The language under Section 7 (g) is identical with that found originally in the Federal Unemployment Tax Act, and all other State laws. However, by amendment in 1939, the Federal provision was narrowed somewhat by taxing such organizations if "a substantial

<sup>103</sup> Ibid.

part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.”<sup>104</sup> This amendment was subsequently made in the laws of about one-half of the States; however, the California Act has not been changed in this respect since its original enactment in 1935.<sup>105</sup>

Section 7 (k) exempts any nonprofit organization which is not subject to the Federal Unemployment Tax Act. This exemption was enacted as an emergency measure in 1939 because of the confusion and doubt existing at that time.<sup>106</sup> The provision is peculiar to the California Act, and is not found in any other State law. The commission feels this particular exemption is no longer necessary. Moreover it only serves to create uncertainty since the determination of coverage under the State law is based on the interpretation made by the Federal Government of the Federal law. It may be possible for any organization which is subject to the California law but exempt from the Federal law to reorganize as a nonprofit organization and thereby become exempt from the California law. Your committee feels that the entire section should be repealed.

The California Supreme Court recently considered the two foregoing provisions of the act in the cases of *Scripps Memorial Hospital Inc. v. California Employment Commission*, 24 Cal. (2d) 669, and *Seaside Memorial Hospital v. California Employment Commission*, 24 Cal. (2d) 681, giving a broad meaning and liberal interpretation of the phrase “operated exclusively for . . . charitable . . . purposes” as used in Section 7 (g). The court states, in effect, that a hospital which is supported in part by full pay or part pay patients, which charges a regular fee for most of its patients and derives a profit from its activities, may still be operated exclusively for charitable purposes so long as the use to which its income is devoted is for a “charitable purpose.”

The fundamental and basic question of policy involved in nonprofit exemptions is whether or not the public welfare is served to a greater extent by refraining from imposing any tax on nonprofit and charitable organizations and by the same token deny all the workers employed by such institutions the benefits of unemployment insurance; or by accepting the adverse effect on such organizations which is caused by the imposition of a small payroll tax and at the same time grant the protection of unemployment insurance to the workers employed. In the light of this proposition of balancing the degree of public benefit and detriment entailed in each course of action, it would be well to reconsider the exemptions now found in the law.

<sup>104</sup> Section 1607 (c) of the Internal Revenue Code.

<sup>105</sup> Those States which have amended the charitable organization exemption in their law to conform with the restriction made in the Federal Unemployment Tax Act in 1939 include the following: Alabama, Arizona, Connecticut, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, and Wisconsin. Several other States have enacted general exemptions which apply to charitable organizations.

In California and those other States (about one-half) which have not changed their law in this respect or do not have other general exemptions which would apply, a charitable organization that devotes its activity in a substantial degree to influencing legislation is subject to the Federal Tax if more than eight employees are employed, but is exempt entirely from the State law irrespective of the number of employees. This presents one of the few cases in which the Federal Act is more liberal in coverage than the State unemployment insurance laws. (See note 120, *infra*, in reference to exemption of children not exempt under the Federal Law.) In this situation the employing unit is placed at a potential tax disadvantage (unless the State tax rate exceeds 2.7 per cent and its employment is highly unstable), since there would be no possibility of obtaining any tax reduction from the full 3 per cent Federal tax.

<sup>106</sup> See Stats. 1939, Chapter 628, Section 3.



## DOMESTIC SERVICE

Domestic service is excluded under Section 7 (b) and also under Section 7 (e) (1) of the Unemployment Insurance Act. An estimated 75,000 workers are engaged in domestic service in this State. Members of the Employment Stabilization Commission have expressed the opinion that an attempt to bring domestic servants under the Unemployment Insurance Act would present serious administrative problems, particularly in obtaining accurate wage reports from employers. However, an inquiry made to the Employment Security Agency of New York (New York is the one State that covers domestic service at present) revealed that no special administrative problems in connection with this coverage were encountered; in fact, there is "less difficulty than with certain other cases."<sup>107</sup> The New York Law, like the present California Law covers employers of four or more. On such a basis it is estimated that approximately 15,000 workers and 2,000 employers would be involved in California.<sup>108</sup>

Therefore, in extending coverage to employers of four or more domestic servants, it would appear there are actually few administrative difficulties and at the same time a relatively large number of workers could be protected against the hazards of temporary unemployment.

## GOVERNMENT SERVICE

There are approximately 465,000 workers in California employed by the State and Federal Government.

Service for the Federal Government or an instrumentality thereof is exempt under Section 7 (e) of the California Act. This provision is found in nearly all States; however, even in the absence of any specific exclusion, the taxation of the Federal Government or an agency thereof would be prohibited as a matter of constitutional law. It should be noted that there are about 282,000 Federal employees in this State, and approximately 244,000 of the Federal employees are engaged by war agencies whose employment may be expected to terminate, at the latest, shortly after the war. Unfortunately, this means that one worker employed by a privately operated war plant is protected by unemployment insurance, while his neighbor doing the same work in a Government plant (such as Mare Island, Hunters Point or McClellan Field) has no such protection. In view of the seriousness of this situation in the post-war period, Federal legislation was proposed to bring Federal employees under State Unemployment Insurance laws through voluntary payments by the Federal Government to the State fund. However, the War Mobilization and Reconversion Act of 1944 contained no such provision when it ultimately became law. The problem is beyond the jurisdiction

<sup>107</sup> A letter from the Executive Director of the New York Administrative Agency, dated December 15, 1944, reads in part as follows:

"We have encountered no special administrative problems in connection with this coverage. In fact, on the whole we have less difficulty with delinquency than in certain other cases. This seems to be because employers of domestic servants are likely to make their returns through banks, accountants or lawyers, who know the requirements and adhere to them strictly."

Domestic servants subject to the unemployment insurance law of New York, which covers employers of four or more workers on each of 15 days during the year, is as follows:

	Employment in Private Households—New York State			
	1940	1941	1942	1943
Average monthly covered employment.....	25,081	24,435	20,962	17,634
Reporting units—second quarter of year.....	3,442	3,607	3,481	3,180

<sup>108</sup> Revised estimate based on Employment Security Bulletin No. 8 (June, 1942), Department of Employment.



of the State. However, Congress should be urged to reconsider the enactment of such legislation and your committee recommends the adoption of a resolution to this effect.

Service for the State or a subdivision thereof is exempt under Section 7 (f) of the California Act. This exemption affects about 183,000 workers, approximately 28,000 of which are employed by the State itself and the remaining 155,000 by the local government. While employment with the State and local government is relatively stable, particularly where the service is in connection with purely governmental functions, there is question whether or not some of the activities of the local government undertaken in a proprietary capacity, (such as utilities), should be included under the unemployment insurance program. Further study in this field might well be made.

### AGRICULTURAL WORKERS

Probably the largest segment of the working population now excluded from coverage for whom unemployment insurance would be particularly helpful is agricultural labor. This group varies from approximately 150,000 to over 220,000 workers, depending on the season of the year. There are, of course, many short-time workers, and to include all agricultural labor would bring under the law many small farmers. However, there has been no study made of the administrative problems involved in attempting to cover the large employers hiring eight or more workers the year round on a similar basis as industrial concerns. Nor has there been an analysis of the actual earnings of such large farming enterprises to ascertain whether or not the imposition of a pay roll tax would cripple the industry or seriously affect it. Where there is no unemployment insurance, the State must pay the cost in terms of higher taxes for relief or public assistance as well as suffer from the consequences of unstable purchasing power. Large scale agriculture forms a major part of the economy of this State and is hardly in a position to justify public subsidy. Further study should be made of this problem to determine what the actual effects of covering agricultural labor would be, in terms of the competitive disadvantage resulting from the tax as compared with the competitive advantage resulting from employment security for the workers, the maintenance of a labor supply, and the reduction in expenditures for public relief and public welfare.<sup>108a</sup>

Agricultural labor is not subject to any of the existing State unemployment insurance laws and is also exempt from the Federal Unemployment Tax Act. Great Britain, however, includes agricultural labor under its unemployment insurance program.

<sup>108a</sup> It should be pointed out that since agricultural labor is not subject to the Federal tax, it is not necessary to impose a State tax rate of 2 7 per cent on this type of employment if it is found that such a tax rate would injure California's large scale agriculture. A 1 per cent or 2 per cent tax could be required from this industry. Today there is no tax imposed.

Your committee has been urged to consider the advisability of adopting the Federal definition of agricultural labor. The Federal definition is that contained in the Federal Unemployment Tax Act.<sup>109</sup> However, there is no inherent reason why the unemployment insurance law of this State should conform to the Federal definition, since the latter involves purely a revenue measure and not an employment security law in which the welfare of the State is directly involved. To adopt the Federal definition in the California act would exclude an estimated additional 60,000 workers.<sup>109a</sup> It would also exempt from tax about 1,400 employers, most of whom are not farmers but commercial packers engaged in fruit and vegetable packing.<sup>109b</sup> The loss to the fund in contributions from this group would be approximately \$2,700,000 per year.<sup>109c</sup> Without a more complete study of the entire problem, your committee does not recommend such a restriction of unemployment insurance coverage at this time. It should be pointed out that the Council of State Governments has recommended to the States that "consideration should be given to the coverage of major groups in agricultural processing and to maritime workers."<sup>110</sup>

### SELF EMPLOYED

The self employed comprise approximately 415,000 individuals in this State, about one-third of whom are on the farm. The first attempt to include this type of worker was made with the enactment of the Veteran's Readjustment Act of 1944 (the "G.I. Bill").<sup>111</sup> At such time as a study or experience reveals that the unemployment insurance program can be

<sup>109</sup> Prior to 1939 the Federal Law and all State laws exempted agricultural labor without defining the term. The application of the law depended on administrative regulations. In 1939, when the Title IX of the Social Security Act was codified in the Internal Revenue Code as the Federal Unemployment Tax Act, a definition of agricultural labor was enacted into law (Section 1426 (h) of the Internal Revenue Code). This statutory definition was broader than the interpretation formerly given to agricultural labor and excluded certain types of employment previously included.

California and about 20 other States follow the old Federal rule and do not define agricultural labor by statute. The administrative interpretation of the California Law is similar to the Federal Act in that both exclude all regular farm workers. However, the California Law differs from the Federal definition in that it does not exclude any services performed off the farm, nor does it exclude certain services performed on the farm. (On the farm services which are covered include mechanics, contractors, and other specialized skilled work, as well as services performed for an independent contractor who does work on the farm.) See Rule 7.1 to the California Unemployment Insurance Act; California Employment Commission v. Butte County Rice Growers Association 25 A. C. 604.

There are 30 States which follow the Federal definition of agricultural labor. They are Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin. In all of these States, except Texas, there is a statutory definition of agricultural labor identical with or similar to the Federal definition. Texas, by regulation, interprets the term "agricultural labor" to be the same as the Federal statute.

The 21 States which do not follow the Federal definition and have a more restricted interpretation of agricultural labor are: Alaska, California, Arkansas, Connecticut, District of Columbia, Kansas, Kentucky, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Utah, Vermont, West Virginia, Wyoming. Of these 21 States Arkansas, Oklahoma, and Wyoming have a statutory definition, but it is more restricted than the Federal law and is similar to the interpretation given to agricultural labor by the 18 States which have no statutory definition.

<sup>109a</sup> An actual count made by the Department of Employment for the year ending June, 1944, revealed that the number of jobs in this category ranged from 37,000 in February to 56,000 in July. The number of workers employed during the year period was approximately 105,000 and of these it is estimated about 55,000 (including those not reporting) had sufficient earnings to qualify for benefits. (See also Employment Security Bulletin No. 8, Department of Employment.)

<sup>109b</sup> Employment Security Bulletin No. 8, Department of Employment.

<sup>109c</sup> The actual tabulation made by the Department of Employment for the year period ending June, 1944, revealed that approximately \$2,700,000 was collected as a result of worker and employer taxes. The total wages paid by this group of approximately 1,400 employers was \$74,698,000. In more normal years total wages are much less, however, and the amount of income to the fund would be approximately \$2,000,000 from wage earner and employer contributions. (See Employment Security Bulletin No. 8.)

<sup>110</sup> "Unemployment Compensation in the Postwar Period" (December, 1944). The Council of State Governments, Chicago, Illinois, at page 1. The present California Law is already in accord with this proposal.

<sup>111</sup> Section 902 of the Servicemen's Readjustment Act of 1944. There has been some indication of difficulties in the practical application of this provision with respect to maintaining adequate financial records on which benefit payments are made.

properly administered and applied to the self-employed and the employer, consideration should be given to the extension of coverage to this group.

Many of those employed in this category would be protected by unemployment insurance through a more careful scrutiny of the real nature of many cases excluded from the present law on the theory that an independent contractor relationship exists.

#### OTHER COVERAGE PROBLEMS

The other coverage problems arising under the Unemployment Insurance Act appear as follows:

##### (1) Independent Contractors

Under Section 6.5 of the act, employment is defined as "service . . . performed for wages or under any contract of hire . . .". Section 11 defines "wages" as "all remuneration for personal service." This is the only definition of employment under the California act. In all States, except California and four others,<sup>112</sup> a statutory standard or test is provided in the law for the purpose of determining whether or not the service performed is in subject employment.<sup>113</sup>

The exact status of the present California law is not certain. The earlier judicial interpretations have tended to follow the narrow, common law definition of master and servant. However, recent judicial and administrative decisions have indicated a broader meaning to the definition of employment more in keeping with the nature and purpose of Social Security legislation.<sup>114</sup> Certainly there is need of a standard for unemployment insurance which does not permit an easy avenue of escape from taxation and coverage by having an individual sign a written agreement or make an oral understanding which denominates him an independent contractor when *in fact* he is an ordinary worker, regularly working for the same employer throughout the year with neither an independent calling nor freedom from control in the performance of his work.

However, apart from the legal refinements involved in the present law, your committee believes that a number of employing units are at present escaping taxation and coverage through spurious independent contractor arrangements. A thorough investigation of the real nature of these arrangements should be made. This situation came to our attention only recently and the committee was unable to explore the subject adequately. The Department of Employment, with its limited field personnel, has not made an intensive audit of any particular area or industry to ascertain the extent of evasion that has prevailed in this respect, although it is conceded that such an investigation is necessary.

<sup>112</sup> These States are reported to be: California, Colorado, Michigan, New York, and the District of Columbia.

<sup>113</sup> The statutory standard found with some variation in over 40 jurisdictions is based primarily on the draft language of the Social Security Board (Employment Security Memorandum No. 13, 1942, p. 1216) and involves the so-called "A," "B," "C" test. Briefly, this test requires, in order to establish an independent contractor relation, (A) freedom from control and direction both in law and in fact; (B) regular service performed in the course of an employer's business by an independent contractor must be performed outside of the place of business of the employer; (C) an independent calling, trade, or business. However, the courts in these jurisdictions have, in some cases, tended to follow closely the common law concept with emphasis on the control element only.

<sup>114</sup> California Employment Commission v. Downtown Shopping News Corp., 24 Cal. (2d) 421; B. P. Schulberg-Productions, Ltd. v. California Employment Commission, 66 A.C.A. 938; Empire Star Mining Company, Ltd. v. California Employment Commission (April 18, 1945, Civ. 7112)—A.C.A.



## (2) Employment of Children

The problem arising in respect to the coverage of children was brought to the attention of the committee by certain decisions rendered by the Appeals Board of the Department of Employment granting benefits to child actors.<sup>115</sup> In making an investigation of the entire problem of the employment of children, with particular attention focused on the child actor situation your committee was amazed to find the utter lack of statistical data relating to the number of children in this State who have been granted work permits either part-time or full-time, pursuant to the Education Code and Labor Code. We are informed that the school authorities have failed to maintain proper records of the number of work permits issued and with the exception of the Los Angeles City Board of Education, there has been no compliance with Section 1301 of the Labor Code imposing a statutory obligation on the local school authorities to file such reports with the State Departments of Education and Industrial Relations. The information for San Francisco and Los Angeles school districts however, was available in detail. In these two areas the number of children employed appears as follows:

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT

**Work Permits Issued**

**SAN FRANCISCO PUBLIC SCHOOLS, 1941-1944:**

School year ended June 30:	For Full-Time Work			For Part-Time Work <sup>1</sup>			Saturdays and vacations <sup>2</sup>
	Total	Under 16 Years	16 and 17 Years	Total	Under 16 Years	16 and 17 Years	
1941	798	--	798	558	239	316	37
1942	1,406	--	1,406	638	293	345	173
1943	5,517	12	5,505	4,572	1,048	3,524	3,105
1944	6,762	57	6,705	7,629	2,733	4,896	12,453

<sup>1</sup> Out-of-school hours.

<sup>2</sup> No age breakdown available.

SOURCE: Attendance Bureau, San Francisco Board of Education.

**LOS ANGELES CITY SCHOOL DISTRICT, 1939-1944:**

School year ended June 30:	For Full-Time Work			For Part-Time Work <sup>1</sup>		
	Total	Under 16 Years	16 and 17 Years	Total	Under 16 Years	16 and 17 Years
1939	2,353	138	2,215	1,027	344	683
1940	2,691	161	2,530	1,493	492	1,001
1941		Not available				
1942		Not available				
1943	11,712	1,300	10,412	16,059	5,243	10,816
1944	15,548	1,123	14,425	25,177	9,600	15,577

<sup>1</sup> Out-of-school hours.

SOURCE: Attendance and Employment of Minors Section, Los Angeles Board of Education.

<sup>115</sup> See Benefit Decisions 490 and 497 decided in February, 1944, by the Appeals Board of the Department of Employment.



From this report it is seen that there has been a tremendous increase in the number of minors employed since the beginning of the war in the Los Angeles and San Francisco areas.

In general we have found that even those children earning more than \$300 a year are not eligible for unemployment insurance benefits, except when not required to go to school. In the case of the child actors, however, special provision has been made by the studios so that employment does not interfere with school attendance. For this reason, the child actors are generally the only group who can qualify for benefits. At a public hearing held by the committee, testimony was given which indicated about 2,000 children are presently engaged in motion picture work and the specific earnings and ages of a select group of child actors were set forth in some detail.<sup>116</sup> The only official records available on the employment of children in the motion picture industry which your committee could obtain related to the years 1939 and 1940 and appear as follows:<sup>117</sup>

- (1) *Total Minors* (through 17 years of age)  
     2,093—actually employed  
     3,309—applications for work permit filed

(2) *Number of Days Worked*

	Per Cent
10 days or less—1,467 -----	70.09
20 days or less—1,793 -----	85.67
30 days or less—1,929 -----	92.16
50 days or less—2,014 -----	96.23
100 days or less—2,074 -----	99.33

- (3) 1206 permits were issued to children under seven years of age.

In attempting to ascertain the number of children who have actually been paid unemployment benefits in California, particularly in certain industries where children are usually employed, the following information was obtained from the Department of Employment.

“We have no data showing the number of claimants under 16 years of age except for a study giving the age of claimants in motion-picture production. This study showed that less than 150 claimants under 16 years filed claims during 1943. Nearly all were actors.”<sup>118</sup>

Unfortunately, there is a lack of statistical data both as to the number of children employed in this State and the number who have received unemployment benefits.

With respect to the motion picture industry it appears that approximately 7 per cent of all the children employed filed a claim for unemployment benefits.<sup>118a</sup> The facts available reveal that the payment of benefits to child actors does not involve any significant cost to the Unemployment Fund. However, the individual cases are startling and the use of public money to provide benefits to this group can not be justified. Members

<sup>116</sup> See Appendix M-II for excerpts from the record of hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944), State Building, Los Angeles, California, pp. 46-76.

<sup>117</sup> From records of the State Department of Industrial Relations (not published).

<sup>118</sup> Letter to the Committee from Department of Employment, dated November 8, 1944.

<sup>118a</sup> However, not all children engaged in the movie industry earn more than \$300 per year (see testimony in Appendix M-II). For this reason the percentage of those having a sufficient qualifying wage who filed a claim for benefits would be smaller.

of your committee and its representative have visited several local offices of the Department of Employment in Southern California and have actually observed the payment of weekly checks of \$20 to youngsters of 10 and 12 years of age. On inquiry it was found that these attractive children were child actors. The local officials of the Department of Employment indicated that in several instances a parent would come into the office with three young children, all of whom had worked in motion pictures, and wait patiently while each child collected a weekly check of \$20, or a total of \$60 per week in unemployment benefits. Under the provision of the present Unemployment Insurance Law there is no exclusion of children. The Appeals Board has held that child actors are available for work and because of their ability and the prospects of obtaining employment in their profession they are not required to accept other type of work than acting when unemployed.<sup>119</sup>

It is the opinion of your committee that the payment of unemployment benefits to any children who are not permitted to work full-time, whether they are child actors or not, is not consistent with the purpose of the Unemployment Insurance Act which is designed to protect the worker who is a bona fide member of the labor market from the sufferings to himself and his family resulting from temporary unemployment. There is a public purpose served in providing benefits to the full-time worker who becomes temporarily unemployed. There is no real public purpose served in providing benefits to a child who is allowed to work only part-time and is not in any real sense a breadwinner.

Under the unemployment compensation laws of 10 other States provision is made with respect to the service performed by certain students and minors.<sup>120</sup> Your committee has communicated with the administrative agency of each of these States to ascertain what problems were encountered and what provision was made with respect to the Federal tax which makes no exclusion of minors, except in the case of delivery newsboys. In general no complex problems were indicated in the administration of these provisions.

Under the Education and Labor Code of this State children who are 14 years of age may obtain a full-time work permit. The provisions and application of the Child Labor Law in this respect appears from a statement by the Director of the State Department of Industrial Relations submitted before a public hearing held by your committee:<sup>121</sup>

"There seems to be a general misconception concerning the minimum age a child may leave school for full-time work in California. It is popularly believed that no minor under 16 years of age may work full-time and that all children under that age must attend regular school classes.

"I regret to state that that is not the case. Under the California Child Labor Laws, minors as young as 14 may be permitted, and are being permitted, to leave school for full-time employment.

<sup>119</sup> Benefit Decisions 490 and 497, 730, 732 and 736. It should be pointed out, however, that this general rule whereby a child actor can restrict himself to employment in the motion picture industry requires that his prior experience and earnings definitely establish him as a professional actor. (See Benefit Decisions 731, 940.)

<sup>120</sup> These States include: Illinois (Sec. 2(f) (6)); Iowa (Sec. 1551.25 (g)); Kentucky (Sec. 341.050 (5) (1)); Maine (Sec. 19(g) (7)(i)); Massachusetts (Sec. 7(h)); Michigan (Sec. 42(6)); Minnesota (Sec. 4337-22(k) (7)(u)); New Jersey (Sec. 43; 21-19.1); New York (Sec. 511(9)); Rhode Island (Sec. 347(g)).

<sup>121</sup> Statement by Mr. Paul Scharrenberg submitted before the hearing of the Senate Interim Committee on Unemployment Insurance (December 11, 1944) San Francisco, California, pages 1-4.

"California is among the foremost States in matters of progressive labor legislation, but unfortunately, that distinction does not apply with respect to the minimum age at which a minor may leave school to enter the labor force.

"Fifteen States have already made 16 years the minimum age for work during school hours. (New Jersey, New York, Louisiana, Massachusetts, Ohio, North Carolina, Pennsylvania, Rhode Island, South Carolina, Utah, West Virginia, Wisconsin, Connecticut, Florida, and Montana.)

"California is listed among the States which designate 15 years as the minimum age for leaving school. In our State, a minor 15 years of age who has completed the seventh grade, has a definite job, and is physically able to undertake the work, may be granted a permit to leave school to take full-time employment. The minor must attend continuation school classes for at least four hours per week if there is a continuation school in the community.

"Not only may 15-year old youngsters be allowed to work full-time in California, but the law also provides an exception under which a child as young as 14 years may be given a work permit allowing him to leave school to take full-time employment. The conditions for granting such permits are:

1. The child must have completed the eighth grade.
2. He must have a definite job.
3. He must be physically able to undertake the work.
4. His family must be in extreme financial need because of the death, disability or desertion of the father.

"You will recognize that the latter provision is somewhat of an anachronism in this day of old age and survivor's insurance, and aid to dependent children under the provisions of the Social Security Act, and also at a time when there are fairly well developed local social welfare programs.

"I should point out that, as in the case of 15-year-old minors, 14-year-old children who receive full-time work permits are required to attend continuation school classes at least four hours per week if there are continuation schools in their communities." 121<sup>a</sup>

It is on the basis of consistency with the provisions of the Education Code and Labor Code prohibiting the full-time employment of children of tender years that your committee recommends the Unemployment Insurance Act be amended to exclude all children under the minimum age, which is now 14, at which a full-time work permit may be granted. The Unemployment Insurance Act should not include a type of employment which is prohibited by law, except on a part-time basis, and on the ground of sound public policy should be discouraged.

In making this recommendation, cognizance is taken of the fact that all employers who are subject to the Federal Unemployment Tax Act will be required to pay the full 3 per cent pay roll tax on the services of minors, except in the case of delivery newsboys whose services are excluded from the Federal tax. However, this recommendation is not made to encourage the employment of children by allowing tax savings to those who employ minors nor to give any industry a tax advantage.

<sup>121a</sup> Ibid.



### (3) Maritime Service

Under Section 7 (c) of the Unemployment Insurance Act, maritime service is exempt from coverage to the extent required by the Constitution and laws of the United States.

The Supreme Court of the United States, in the case of *Standard Dredging Corporation v. Murphy* (1943, 63 S. Ct. 1067), which involved the identical provisions of the New York Act, held that there was nothing in the Constitution or laws of the United States prohibiting a State from taxing maritime service. Acting under the authority of this decision and the opinion of the Attorney General of the State of California,<sup>122</sup> maritime service has been subject to the California Act.<sup>123</sup>

In view of the fact that maritime operations commonly transcend State boundaries, the problem of administration is similar to that which was created in attempting to cover railroad employment by State laws. The most satisfactory arrangement for proper and adequate unemployment insurance protection for this group of workers would seem to lie in the adoption of a Federal law similar to the present Railroad Unemployment Insurance Act. Although it may be contended that such Federal action would be a further inroad on States' rights and a move in the direction of complete federalization of unemployment insurance, the stronger argument appears to be that the States have a better claim to State administered unemployment insurance if they adequately cover employment within the jurisdiction of the State and provide a prompt method of benefit payments to workers within the State and to those migrating among the States, without attempting to cover employment that is predominately outside the jurisdiction of any one State. Maritime service involves employers with a commercial domicile in several States and workers who move from one State to another, as well as from one country to another. Although the California Employment Stabilization Commission feels that maritime service could be handled on a State basis if all the States involved are willing to cooperate and has been instrumental in securing Federal legislation of this type, nevertheless the difficulties involved in making benefit payments as well as in tax collection are recognized.

There is Federal legislation now pending before Congress to permit the States to cover maritime service.<sup>124</sup> However, the bill does not propose to cover all maritime workers.<sup>125</sup> Since it is likely this bill will become law and the problem of providing unemployment insurance to seamen is to be handled by State law, it has been suggested that the California Unemployment Insurance Act should be amended to conform with the proposed Federal law, although this will exclude workers who are

<sup>122</sup> Ops. Cal. Atty. Gen. NS 5261 (December 17, 1943).

<sup>123</sup> The Tax Division of the Department of Employment has not applied the law to any maritime service in which the Federal Government through the United States Shipping Administration has been involved. The legal question is whether or not the workers on these vessels are government employees. The opinion of the Attorney General indicates that at least in certain circumstances where the vessel is not operated by the United States Shipping Administration itself, the seamen are not government employees. Note 122, *supra*.

<sup>124</sup> H. R. 2564. (Lynch.)

<sup>125</sup> In general the proposed amendment to the Federal Unemployment Tax Act, would follow the Federal Insurance Contributions Act (old age and survivors insurance) and exclude service on a foreign flag vessel irrespective of the residence of the owner or the country in which it is operated, and also excludes any vessel of American registry which does not touch an American port. Likewise the "officer or member of a crew" concept is proposed.



presently covered.<sup>126</sup> Under such a suggestion an individual employed by the same employer may be protected by unemployment insurance on one trip and denied unemployment insurance on the next, merely because on the second trip the vessel was one that had been registered with a foreign country.

In view of these circumstances, your committee recommends that provision be made to authorize the commission to enter into reciprocal arrangements to avoid any possible double taxation of employing units and to improve coverage of the workers. However, in making this recommendation which is necessary for the operation of a State system covering maritime service, it is not intended to suggest that it is necessary to change the existing California law with respect to maritime service and exclude from unemployment insurance those seamen employed on a vessel of foreign registry which is owned and/or operated by an employer in this State under a contract of hire entered into in this State.

#### (4) Miscellaneous Issues (Newsboys and Insurance Agents)

Other coverage problems arising under the California Act relate to those services which are not included under the Federal Unemployment Tax Act, namely, service performed by insurance agents paid on a commission basis and delivery newsboys under 18 years of age. The question is fundamentally one of granting a tax exemption to a particular group.<sup>127</sup> The coverage of these services under the California Act has presented no particular administrative problem which might justify special legislation. The committee at public hearings has been urged to consider, in particular, the adoption of the newsboy exclusion which is now found in some 38 other States. However, in attempting to obtain from several employers involved the facts concerning the number of delivery newsboys under 18 years of age rendering service either as an employee or an independent contractor for various newspapers in a particular area of the State, the committee has received a polite refusal, and for this reason is not in a position to set forth any specific facts concerning the number of newsboys presently employed who are considered independent contractors and thereby completely excluded from the scope of the Unemployment Insurance Act.<sup>128</sup> General statements made before the public hearings have indicated that most newspapers consider newsboys as independent contractors.<sup>129</sup> The majority of your committee believes that a general exclusion of all minors under 14 years of age will solve any problem which may arise if and when newsboys are actually

<sup>126</sup> Under the present California Act all maritime service for an employer within the taxing jurisdiction of California is subject to the extent permitted by the Constitution and laws of the United States. There is no statutory limitation or exclusion in the State law. See Section 7 (c) of the California Act; Ops. Cal. Atty. Gen. NS 5261 (December 17, 1943).

<sup>127</sup> Any employing unit which is not subject to the Federal tax receives a tax reduction if it is also exempt from the California Unemployment Insurance Act. However, any exemption from the California Act where there is no parallel exemption from the Federal tax will require the employing unit to contribute the full amount to the Federal Government.

<sup>128</sup> Prior to printing the committee received an informal statement from the California Newspaper Publishers Association which appears as follows:

"There are 24,649 home delivery newspaper routes in the State. The replacement, or turnover, averages 238.8 per cent a year which would show 58,880 different carrier boys a year. These 58,880 boys earn an estimated average total of \$125.15 a year. The average age of the boys is 12½ years."

The specific information requested several months ago has not been received, although several employers stated that they had compiled the data and turned it over to the California Newspaper Publishers Association.

<sup>129</sup> Record of transcript of hearing before the Senate Interim Committee on Unemployment Insurance (December 11, 1944), San Francisco, California, pages 78-80.

However, in some cases the legal validity of this position may be open to question. See *California Employment Commission v. Downtown Shopping News Corp.* 2 Cal. (2d) 421; *California Employment Commission v. Bates* 24 Cal. (2d) 432.

considered employees and not independent contractors, and this may be done without special legislation for the newspaper industry.

It is the unanimous opinion of your committee that such exclusions as delivery newsboys under 18 years of age and insurance agents paid by commission<sup>129a</sup> should be considered on the basis of what is most desirable for the State of California in providing an adequate unemployment insurance law and not on the extent of tax savings which may be obtained because of exemptions in favor of certain groups under the Federal Unemployment Tax Act. The committee does not feel that exemptions should be written into the law in favor of any particular employer or group of employers unless absolutely necessary for the purpose of improving the unemployment insurance system in this State.

### **B—Benefit Provisions**

A number of important problems relating to unemployment benefits have received our attention and consideration. Some involve limitations under the provisions of the present law, while others arise from a lack of proper administration of the existing provisions of the law. An attempt has been made to appraise these problems in terms of their significance in the postwar period under the economic conditions which may be reasonably expected to prevail.

#### **QUALIFYING WAGE**

A worker must earn \$300 in subject employment during his base period (a one-year period) in order to file a valid claim for benefits under the California Act. This is the highest earnings requirement of any State having a similar flat qualifying wage;<sup>130</sup> it is also the highest *minimum* earnings requirement of any State having a variable qualifying wage.<sup>131</sup>

The actual effect of the earnings requirement in California may be appreciated from the fact that during the year period ending September 30, 1943, a total of 1,150,000 individuals were employed in subject employment, but earned less than \$300. During the same period the total number earning more than \$300 was 2,650,000. Thus, approximately 32 per cent of all workers engaged in subject employment during the year made less than \$300. At the same time, this large group of over 1 million individuals who were unable to qualify for benefits contributed an estimated total of \$1,257,000 to the Unemployment Fund as a result of the 1 per cent employee tax.<sup>132</sup>

The purpose of the qualifying wage requirement is alleged to be to exclude from the unemployment insurance program those workers not ordinarily attached to the labor market. However, such an arbitrary determination applicable to all workers irrespective of earning capacity or length of employment operates inequitably and unjustly in many instances, particularly where the worker is employed in both subject and

<sup>129a</sup> It was estimated by the Department in 1941 that about 3,000 individuals would be excluded by the commission basis insurance agent exclusion. Since there is no Federal tax on this service, such a provision would induce other employers to pay agents on a commission basis and thereby exclude even a larger number.

<sup>130</sup> During 1945 (as of March 31, 1945) at least two States have increased the wage eligibility requirement to \$300 and therefore California is no longer the only State with a \$300 uniform qualifying wage. See Benefit Table in Appendix C.

<sup>131</sup> Most States have a variable qualifying wage which is computed by multiplying the weekly benefit amount by a certain number, such as 14, 20, 30, or even 40. See Benefit Table in Appendix C. The statement in the text was true prior to 1945 legislative changes in other States.

<sup>132</sup> Letter to Committee from the Department of Employment (January 17, 1945).

nonsubject employment. Also, it should be noted that in addition to the qualifying wage there are other eligibility requirements which must be met in order to qualify for benefits.

It is the opinion of your committee that further study should be made of the various factors involved in evaluating a proper qualifying wage requirement. Among others, consideration should be given to the average wage of the ordinary workman in a normal year; the fact that many workers are engaged in both subject and nonsubject employment; the consequences of an alternative provision in terms of its effect on the Employment Fund and the public relief load; and the administrative problems involved.

#### WAITING PERIOD

Under Section 57 (d) of the act, an unemployed individual who is eligible for benefits must serve a two-weeks waiting period.<sup>133</sup> Thus, it is not until after the third week of unemployment that a qualified worker is entitled to his first week of benefits.

It has always been conceded that the purpose of an unemployment insurance program is to provide benefits when unemployed and not four or five weeks thereafter. Since the commission is now in a position to make payments within two weeks after a claim is filed, the committee feels that the waiting period should be reduced to one week in a benefit year.

The waiting period is a procedural requirement affecting the time of payment of benefits and does not increase or decrease the total amount of benefits payable to any individual during his benefit year. However, in times of moderately high employment when most unemployed workers do not exhaust their entire benefit award during the year, a reduction in waiting period will increase to some extent the total amount of payments from the fund. It has been estimated by the Department of Employment that a one-week waiting period would increase fund liability about 4 per cent under 1940 conditions and approximately 7 per cent under 1942 conditions.<sup>134</sup>

A one-week waiting period was required under the laws of 32 States as of January 1, 1945. During the current legislative sessions, several additional States have adopted a one-week waiting period, and others have legislation pending on the subject. (See Table in Appendix D.) No waiting period exists in the Servicemen's Readjustment Act of 1944 (The G. I. Bill). Before several public hearings, organized labor has recommended the complete elimination of the waiting period from the California Act.<sup>135</sup>

It is the unanimous recommendation of your committee that the two-week waiting period in the California Act be reduced to one week.

<sup>133</sup> A two-week waiting period is required during an entire benefit year. Thus, in case of a second spell of unemployment during a benefit year there is no waiting period.

<sup>134</sup> Estimates from Report 373B #1 of the Department of Employment (September 20, 1944).

<sup>135</sup> Record of hearing before the Senate Interim Committee on Unemployment Insurance (March 9, 10, 11, 1944), State Building, Los Angeles, page 295; record of hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944) State Building, Los Angeles, California, page 208; record of hearing before the Senate Interim Committee on Unemployment Insurance (December 11, 1944) State Building, San Francisco, California, page 37.



DISQUALIFICATIONS <sup>135</sup>

The major conditions of ineligibility or disqualifications under the California Act are found in Sections 56 and 58. Briefly, they are as follows: Two weeks for voluntarily leaving work without good cause; one to six weeks for discharge for misconduct; one to four weeks for making a false statement; an indefinite period for refusing suitable employment without good cause; and an indefinite period for leaving work because of a trade dispute. Until the recent case of *Whitcomb Hotel, Inc. v. the California Employment Commission*, 24 Cal (2d) 753, decided by the California Supreme Court on August 18, 1944, the disqualification for refusing suitable employment has been for a period of from one to six weeks (prior to 1942, for a period of from one to four weeks).<sup>137</sup>

The disqualification of a worker from the receipt of benefits involves a consideration of individual factors making it desirable to place some discretion in the hands of the commission imposing the penalty. The facts of each case differ and the commission acting in a quasi-judicial capacity should be permitted to vary the period of ineligibility according to the seriousness and nature of the circumstances in each case. In most States, disqualifications are on the basis of a variable number of weeks similar to the practice which has been followed in California.<sup>138</sup> It is the opinion of your committee that this flexibility in the law should be retained. The committee has communicated with the administrative agencies in those few States which now impose total disqualifications and the cancellation of wage credits. It was found that in practically all of these States there is a tendency, in view of the harshness of the disqualification, to place more emphasis on the good cause exception whereby the entire penalty is waived.

A worker who through his own conduct has contributed to his present unemployment, but is still available for work can be adequately penalized and discouraged from such conduct by suspending his benefit rights for a specified period, determined in each case by the commission, rather than completely remove benefit rights in all cases for an indefinite period. Many of the cases which are urged as abuses of the law that can be corrected by complete disqualifications are found on analysis to be cases in which the individual is not available for work. With a proper application and enforcement of the availability requirement, including a field investigation of individual claimants, such cases that are frequently cited as "voluntary quits" or "refusals of suitable work" when in fact there is no desire to work on the part of the claimant can be effectively denied benefits under the present law. There is no need to distort the purpose of disqualifications<sup>139</sup> which are designed to delay the payment of benefits to the worker who is ready, willing, and able to work, but who may have contributed to his current state of involuntary unemployment by his action on one particular occasion.

<sup>135</sup> Disqualifications as used herein refer to the common term applied to penalties for refusing suitable employment, voluntary quitting, discharge for misconduct, etc. It does not include availability for work which is an eligibility condition frequently called a disqualification. See discussion of "eligibility for benefits" and "disqualifications" on pages 26 and 27, *supra*.

<sup>137</sup> The one- to six-week disqualification for refusing suitable employment which has prevailed in California until the recent decision of the Supreme Court in the *Whitcomb Hotel Case* existed by virtue of Rule 56.1 adopted November 27, 1942, by the California Employment Commission. Prior to 1942 the rule provided a one- to four-week disqualification. The decision of the Supreme Court held the rule of the Commission invalid on the ground that it violated the express language of Section 56 of the Act.

<sup>138</sup> See the Disqualification Table in Appendix D.

<sup>139</sup> See note 136 *supra*.



Where there are several refusals of suitable employment the claimant will be denied benefits today on the ground of not being available for work, since his conduct justifies the conclusion that his unemployment is voluntary.<sup>140</sup>

It is the considered opinion of your committee that all major disqualifications should be for a specified flexible period and should continue to operate as a suspension or postponement rather than a cancellation of benefit rights.

Much difficulty and confusion in the administration of the law has resulted because of the different penalty periods which are imposed for each disqualification. In view of the discrepancy between the disqualification period of six weeks maximum for discharge for misconduct, and two weeks maximum for voluntarily quitting, we have found a practice developing of construing a voluntary quit as a discharge for misconduct because of the more severe penalty imposed. Also, it is generally conceded that voluntarily leaving work without good cause is, in effect, a refusal of suitable employment without good cause and there is little reason for a lighter penalty in one case than the other. Because of these circumstances it is the further opinion of your committee that a uniform period of disqualification should be written into the law.

Since the adoption of the Servicemen's Readjustment Act of 1944 (the "G. I. Bill"), which provides for uniform disqualifications of one to five weeks and an additional eight weeks (total of 13 weeks) in cases of successive disqualifying acts, these provisions have been suggested as a reasonable pattern to follow, and all States are encouraged to consider enacting them into their law. Both the Social Security Board and the Council of State Governments have recommended similar uniform disqualifications, as well as the State Department of Employment. As a move in the direction toward uniform disqualifications in all States, and in order to improve the existing law of this State, your committee recommends their adoption.

The disqualification provisions in each State appear in the Disqualification Table in Appendix D of this report.

#### WEEKLY BENEFIT AMOUNT (DEPENDENTS ALLOWANCE)

The weekly amount of benefits payable under the California Act varies from \$10 to \$20, according to the amount of earnings in a previous calendar quarter. In general, benefits are approximately 60 to 70 per cent of the average weekly wage of an individual, providing he does not earn more than \$30 per week. However, for the individual customarily earning \$50 per week, the weekly benefit amount is only 40 per cent of his actual earning capacity and is hardly adequate compensation for the wage loss sustained.

Prior to 1945 changes in the law, 10 States provided a maximum weekly benefit amount of \$20, and one State a maximum of \$22. Only four States provided a minimum of \$10 a week. During the current year, one State has increased the maximum weekly amount to \$25. The amount paid by each State with recent changes appears in Appendix C

<sup>140</sup> In Benefit Decision 1029 the Appeals Board states, "It is our opinion that the claimant, by her repeated refusals of suitable employment and by the restrictions she made with respect to salary and hours of work, was not involuntarily unemployed and that her unemployment was a matter of her own choosing." See also Benefit Decisions 411, 511, 575.

of this report. The Social Security Board has recommended that the maximum weekly benefit amount be increased to \$25 in order to more adequately compensate for the wage loss sustained by many workers.

It is the opinion of your committee that, rather than increase the maximum amount of weekly benefits, provision should be made for the payment of additional benefits to those workers who are the head of a family and have dependent minors to support. Although the District of Columbia is the only jurisdiction which prior to 1945 provided dependents allowances,<sup>141</sup> it is our feeling that such a provision should be made in the California Law, allowing an additional amount for each dependent minor not to exceed a certain number of dependents and restricting the total amount of benefits to less than 80 per cent of the average weekly wages received by the worker. In order to prevent any discrimination against a worker who has dependents, the additional amount in weekly benefits should not be made chargeable to any employer's merit rating account.

It is recognized that such a provision would be unnecessary if the weekly amount payable were adequate to compensate for the cost of living of the wage earner and his family during a period of temporary unemployment. However, such a provision for dependents allowance would not place unemployment insurance on a needs basis. Dependents allowances do not relate to the right to get benefits, but only affects the amount of benefits payable which has always taken into consideration the amount needed for the worker to maintain economic subsistence. So long as the receipt of benefits is not based on need and remains a matter of right, the unemployment insurance principle is not disturbed.<sup>142</sup> Your committee recommends an increase in benefits for the wage earner with a family rather than an increase for all workers in order to more adequately protect the working population against the risk of temporary unemployment.<sup>142a</sup>

#### DURATION OF BENEFITS

One of the most important cushions against hazards of postwar unemployment is the Unemployment Insurance Fund which has been rapidly accumulating reserves from the contributions of workers and employers during these prosperous wartime employment conditions. Apart from all the complex provisions of the unemployment insurance law, the primary concern of the ordinary worker is just how long benefits will last during a period of unemployment. In short, what security and protection does the law provide before compelling the individual to turn to relief and charity for the support of himself and family?

Under the present law the duration of benefits ranges from nine weeks to a maximum of 23.4 weeks, depending on the amount and extent of previous earnings.<sup>143</sup> However, the average potential duration of all claims

<sup>141</sup> At the time of printing (March 31, 1945) the State of Nevada had enacted a dependents' allowance provisions in its law. See Section 3 (d) of the Nevada Unemployment Compensation Law.

<sup>142</sup> From a strict insurance principle, the individual who has a family would require a greater protection against the risk of unemployment, and for that reason select a policy which provided larger benefits. Although the amount of benefits is fixed by statute under unemployment insurance, the need for greater protection for the worker who is the head of a family remains. Furthermore, unemployment insurance has been sustained principally on the ground that it serves a public purpose by reducing expenditures for relief for the unemployed and benefits are adjusted to provide only the amount necessary for economic subsistence which is greater for the unemployed who have a family than for the unemployed who are single.

<sup>142a</sup> The additional cost to the fund was estimated by the Department of Employment to be 4.3 per cent during 1944 on the basis of \$2 for each dependent not to exceed 4 and in no case to exceed 80 per cent of the weekly wage.

<sup>143</sup> It is possible for a worker to receive a maximum duration of 25.5 weeks of benefits under the present formula if his total wages for the year and his high quarter earnings fall within a certain bracket. See note 70, *supra*.

filed during 1943 was 18.6 weeks.<sup>143a</sup> The average maximum number of weeks benefits could have been paid under the law in previous years was not available from the statistical section of the Department of Employment. On the basis of 1943 claims those unemployed in this State after the war will be able to receive on an average a total of slightly more than four months of benefits during an entire benefit year.

All estimates reveal that even under favorable economic conditions and rapid postwar reconstruction and reemployment there will be a period of high unemployment in California ranging from a minimum of six months to one year. Unless the duration is extended, it may be necessary to impose additional taxes to finance a large relief program when at the same time there is a high reserve in the unemployment fund. During the year 1940 the State of California spent \$51,000,000 of its own funds derived from State taxes for direct relief.<sup>143b</sup> In addition, the various county governments made expenditures for public assistance. One of the primary objectives of unemployment insurance is to accumulate reserves in times of high employment in order that expenditures for relief may be kept at a minimum in times of low employment.

Under the laws of 17 States a uniform duration of benefits is provided for all eligible individuals during a benefit year.<sup>144</sup> With uniform duration, the amount of weekly benefits varies according to the earning capacity of the particular individual, but the length of protection against unemployment is the same for all workers whether they have a high or low earning capacity. It is the opinion of your committee that the California Act should be amended to provide for uniform duration of benefits for all workers rather than the present variable duration formula.

In view of the seriousness of the postwar employment conditions in California, it is the further opinion and recommendation of your committee that provision be made for at least 26 weeks of benefits to provide a cushion against this temporary period of high unemployment. Six months of unemployment insurance protection for California workers is the very minimum that is needed to face the imminent postwar reconversion period. At the same time, several of the serious weaknesses in the present benefit formula would be corrected, particularly with respect to the dislocation caused by the 1943 amendment increasing the weekly amount from \$18 to \$20 without changing the total benefit award.<sup>145</sup>

The precise effect of 26 weeks uniform duration on the liability against the fund depends on various unknown factors. However, when employment conditions are favorable, the increase in duration will not increase

<sup>143a</sup> See Summary of Benefit Payments in Appendix I.

<sup>143b</sup> See Appendix G for a complete statement by years.

<sup>144</sup> See Benefit Table in Appendix C.

<sup>145</sup> The 1943 amendment increased the weekly benefit amount under Section 54 from \$18 to \$20 per week, but there was no change made in the total benefit award under Section 53 of the act. The effect of such action was to reduce the maximum duration of benefits from 26 weeks to 23.4 weeks. Prior to 1943 the maximum total award of \$468 at \$18 per week provided 26 weeks of benefits. After 1943, the maximum total award of \$468 at \$20 per week provides only 23.4 weeks of benefits.

Another effect of the 1943 change has been to permit certain individuals earning less in wages to receive more in benefits. Today a person earning from \$800 to \$900 per year may receive a total of \$320 in benefits (after 1943, formula has been  $16 \times \$20$  or total of \$320; prior to 1943, formula was  $16 \times \$18$  or total of \$288). However, the individual earning from \$900 to \$1,000 per year receives only \$306 in benefits (same after 1943 as before 1943).

The present benefit formula is highly irregular, particularly because of the fact that the benefit award for the wage bracket from \$550 to \$900 per year is determined by multiplying 16 times the weekly benefit amount while all the other wage brackets are fixed amounts. Thus the increase of the weekly benefit amount in 1943 without changing the total award of benefits operated, perhaps unwittingly, to increase the total amount of benefits for only this one group earning between \$550 and \$900 in wages.



the amount of money paid out of the fund to any substantial degree. In 1943 for example, only 17 per cent of the workers who filed a claim exhausted their benefit rights.<sup>146</sup> In 1940, however, 56 per cent, of the claimants exhausted their entire award.<sup>147</sup> Your committee requested an estimate from the Department of Employment of the additional cost of 26 weeks uniform duration of benefits on the basis of actual cases and experience during a previous period. After considerable delay, a tabulation was obtained from the department based on a sample of about 12,000 cases with earnings during the fiscal year ending 1942. The table, a copy of which appears in Appendix II, reveals the liability for 350,000 claimants in terms of the actual cost to the fund and the potential cost to the fund if every claimant were to exhaust his entire award, under the present formula and under two types of 26 weeks uniform formulae. From this study it appears that the actual liability added by a 26 weeks uniform formula with reduced benefit amounts for those individuals with low annual earnings, would not exceed the liability under the present law by more than 12 per cent. The potential cost is estimated to be about 25 per cent above the present formula.<sup>148</sup>

In terms of the amount of money paid in benefits during 1944, a limited 26 weeks uniform formula would have increased the benefit payments by about \$7,500,000 (in 1940 total benefit payments were \$65,000,000, the maximum paid out in any one year to date). In the first postwar year with a maximum drain on the fund of an estimated 350 million dollars under the present formula, an unlimited uniform 26 weeks formula would increase this amount an additional 80 million dollars, according to an estimate made by the Department of Employment.<sup>149</sup> It was indicated that with a proper limitation, the additional amount under 26 weeks uniform duration in the first postwar year would be considerably less than 80 million dollars. On the basis of the estimate of the postwar solvency of the fund made by the Department of Employment,<sup>150</sup> there is no indication that even an additional 100 million dollars in benefit payments during the first postwar year would endanger the stability of the fund. Under the present formula with benefit payments of 350 million dollars during the first year immediately following the war, the unemployment fund would not fall below 500 million dollars according to the study made by the Department of Employment<sup>151</sup> under assumed postwar conditions based on the State Reconstruction and Reemployment Commission's analyses.

In brief, therefore, it would appear that the present law can be amended to more adequately meet the postwar unemployment problem in this State without endangering the solvency of the Unemployment Fund and without the necessity of securing a temporary loan under the terms of the War Mobilization and Reconversion Act of 1944 which was enacted for the purpose of encouraging the States to provide an adequate unemployment insurance program.<sup>152</sup>

<sup>146</sup> Data contained in letter to committee from Department of Employment (January 17, 1945). See Appendix I.

<sup>147</sup> See Appendix I.

<sup>148</sup> See Appendix II.

<sup>149</sup> Your committee wishes to point out that a request was made to the Department of Employment more than four months ago for the estimated cost of a 26-week uniform duration formula in the postwar period. No information was made available to the committee in this respect. However, the recent estimate made by the department was obtained from a copy supplied to private individuals who had made a similar request.

<sup>150</sup> A copy of the Postwar Solvency Study (Report 381 # 1) appears in Appendix E of this report.

<sup>151</sup> Ibid.

<sup>152</sup> "Postwar Solvency of State Unemployment Funds," *supra*, Note 60.



## C—Tax Provisions

In connection with the taxing features of the California Unemployment Insurance Act several fundamental issues have been considered by your committee as well as procedural problems in tax collection and enforcement.

### WORKER CONTRIBUTIONS

California is one of the few States that still imposes a tax on employees for unemployment insurance. There is no tax on the worker under the Federal Unemployment Tax Act, and only three other States require employee contribution today.

In making a general survey of this subject, it was found that in the development of unemployment insurance in the United States the laws of 10 different States have at one time or another required workers contributions.<sup>153</sup> However, all of these States except Alabama, California, New Jersey and Rhode Island, have repealed the tax. California and New Jersey require a flat 1 per cent tax on wages. Rhode Island imposes a one-half per cent tax and Alabama provides for a system of merit rating for the worker with a tax ranging from .1 to 1 per cent. In these few States the worker is placed at an economic disadvantage since benefit provisions of other States without worker contributions are equally liberal if not more so. The direct taxation of the worker for unemployment insurance, although common in other countries, is not consistent with the theory of unemployment insurance in the United States. In this country, unemployment insurance is considered a cost of production which is added to the price of goods and services. Thus, in taxing the employer, it is recognized that he may to a large extent shift the burden of the tax to the public. The worker, however, cannot shift what is, in effect, a gross income tax levied on his wages.

The effect of employee contribution in California and the problems created thereby have come to the attention of the committee on numerous occasions.

In the first instance, there are more than 1 million workers each year in California who work in subject employment and are required to pay a 1 per cent tax on their wages, but earn less than \$300 and are therefore not able to qualify for any unemployment insurance benefits whatsoever.<sup>154</sup> During a one-year period ending September 30, 1943, an estimated total of \$1,257,000 was collected in taxes from this group for whom no unemployment insurance protection was afforded.<sup>155</sup> This situation is felt to be grossly unjust. In order to make refunds to these workers your committee was informed a serious administrative problem would be presented in view of the fact there are over 1 million workers involved.

Also the uniform rate of tax for workers, while sound as a revenue measure, is not consistent with the merit rating principle of taxation used with respect to the employer in this State. There is no reduction in tax rate in those cases where the worker has received no benefits

<sup>153</sup> These 10 States include: Alabama (May 1, 1936 to present); California (January 1, 1936 to present); Idaho (January 1 to March 17, 1937); Indiana (January 1 to March 31, 1937); Kentucky (January 1, 1937 to June 30, 1942); Louisiana (January 1, 1937 to July 1, 1940); Massachusetts (July 1, 1937 to July 8, 1938); New Hampshire (January 1, 1936 to September 30, 1937); New Jersey (January, 1938 to present); Rhode Island (January, 1937 to present).

<sup>154</sup> See table "California Insured Employment" which appears on page 35 of this report.

<sup>155</sup> Note 132, *supra*.

over a three-year period. The present California law imposes a uniform tax on workers but a variable tax on employers. Alabama is the only one of the four States imposing worker contributions which provides for a system of merit rating for the employee. However, under the Alabama Law the reduced rate for the worker is not based on his individual experience with employment but depends on the employer's experience with benefit payments and a State experience factor.

The total amount contributed to the Unemployment Fund by the workers of this State has been significant. As of February 28, 1945, a total of \$275,606,068 was paid since the beginning of contributions in 1936. These worker contributions exceed the total amount of all benefits paid out of the fund by approximately \$40,000,000. In effect, with war-time employment conditions, the 1 per cent employee tax has more than financed the program in California up to this time.

Another effect of worker contributions in this State which your committee has encountered is the general tendency of the worker to look upon the program as a compulsory saving plan from which withdrawals may be made irrespective of eligibility conditions or the cause of his unemployment. However, this situation could be corrected to a great extent by a more effective administration in respect to education and law enforcement. The most frequent complaint is registered by those workers who are compelled to pay but are unable to qualify for benefits, either because of insufficient earnings or some disqualification. In addition, the many workers who have never drawn any benefits feel that the tax, without any provision for a refund, is unfair and inequitable. The practical problem of justifying the tax on the employee is particularly difficult in view of the fact that in other States unemployment insurance is and has been financed entirely without worker contributions.

It is the unanimous opinion of your committee that hereafter the money collected by the 1 per cent worker contribution in California should be deposited into a separate fund to be used solely to provide benefits equivalent to those now paid for unemployment to those workers who are unemployed because of illness or injury, for which no compensation is made. The solvency study prepared by the department which appears in Appendix E shows that the Unemployment Fund during the worst postwar year will have a wide margin of safety without any worker contributions. In fact, the study reveals that if worker contributions were discontinued effective September, 1945, the Unemployment Fund at the lowest postwar level would have a balance of \$446,000,000 rather than a balance of \$527,000,000 with employee contributions.<sup>156</sup> In a more normal period, the 1 per cent employee tax is not necessary to maintain the unemployment insurance system.

It is also the opinion of the chairman of the committee that employee contributions should be eliminated from the California Act, in the event they are not used to provide a temporary unemployment disability insurance program. The workers of this State have paid in the form of a direct gross income tax for more than all of the benefits they have received, as well as for indirect benefits which have accrued to the State as a whole in the form of reduced relief (and therefore taxes), stabilized purchasing power, and a higher standard of living. It is only proper and

<sup>156</sup> On the basis of the estimated taxable wages in Table 3 of the solvency study (See Appendix E), the total amount of worker contributions from October 1945 through December 1947 would be approximately \$81,000,000.

just that the cost of unemployment insurance in this State should be treated the same as it is in practically every other State in the Union, that is, as a cost of industrial production which is added to the price of the goods produced by the worker, rather than a direct gross income tax on the wages of the worker. A careful examination of the laws of the other States will reveal that the benefits provision of many States are equivalent to and in several instances more liberal than those in California. The 1 per cent gross income tax on the worker is not necessary to maintain the unemployment insurance program of this State.

Actually, California workers paid a total tax for State unemployment insurance during 1944 of \$53,000,000, while the employers saved from merit rating \$30,000,000. Furthermore, the solvency study prepared by the Department of Employment shows that if the 1 per cent worker contribution is retained in the law, California workers will pay a total of \$114,770,000 during the three years 1945, 1946, and 1947, while California employers will save through merit rating during the same period a total of \$109,790,000.<sup>157</sup> In other words, the State unemployment insurance tax on the worker (which is a gross income tax) will supply the fund with an amount about equal to the tax reduction extended to the employer against both State and Federal taxes (which are excise taxes).<sup>158</sup>

In view of these circumstances and the fact that nearly three hundred million dollars has already been paid into the fund by California workers while in other states no worker contributions whatsoever have been made, it is recommended that the tax on the employee be eliminated from the Unemployment Insurance Act of this State.

#### MERIT RATING

On several occasions before public hearings, the committee has been urged to consider the elimination of merit rating, or experience rating as it is frequently called, from the California Act.<sup>159</sup> Merit rating in this State allows individual employers to reduce their tax rate from a standard rate of 2.7 per cent to as low as 1 per cent and is directly related to the additional credit provision of the Federal Unemployment Tax Act.<sup>160</sup>

Briefly, your committee has found that labor throughout the State is opposed to merit rating, on the ground that since every dollar paid

<sup>157</sup> See Tables 1 and 3 in Appendix E. From Table 1 it is seen that the average employer tax will be reduced from the standard 2.7 per cent rate by .8 per cent in 1945; 1 per cent in 1946; and 1.15 per cent in 1947. The worker contribution remains at 1 per cent for all years involved. From the taxable wages in Table B the total tax on the employee may be compared with the total tax reduction for the employer as follows:

	Total Worker Contributions	Total Employer's Tax Reduction By Merit Rating
1945 -----	\$46,910,000	\$37,530,000
1946 -----	38,560,000	38,560,000
1947 -----	29,300,000	33,695,000
Total -----	\$114,770,000	\$109,785,000

<sup>158</sup> As pointed out in Chapter II-B, supra, employers of eight or more are required to pay a 3 per cent Federal pay roll tax. They may deduct 2.7 per cent from this tax where contributions are made to a State unemployment fund under an approved State law. However, if the State tax is reduced by merit rating to 1 per cent or to zero (in some States), a 2.7 per cent credit may still be taken against the Federal tax.

It should be pointed out that both the State and Federal taxes on the employer are excise taxes on the right to employ.

<sup>159</sup> Record of hearing before the Senate Interim Committee on Unemployment Insurance (March 9, 10, 11, 1944), State Building, Los Angeles, pages 218, 238. Record of hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944), State Building, Los Angeles, California, pages 180, 205; record of hearing before the Senate Interim Committee on Unemployment Insurance (December 11, 1944), State Building, San Francisco, California, page 37.

<sup>160</sup> See discussion on pages 15-17, supra.



in benefits to the worker tends to decrease the employers opportunity to get a lower tax, it encourages employers to contest the payment of benefits to workers, to promote legislation restricting benefits and to oppose liberalization and extension of the unemployment insurance program. On the other hand, we have found that business favors merit rating on the ground that many employers with good employment experience are granted tax savings.<sup>161</sup>

In making an analysis of experience rating under the California Unemployment Insurance Act, the following factual data has been assembled:

1—Decreased income to the California fund resulting from the operation of merit rating.<sup>162</sup>

<i>Year</i> (First effective Jan. 1, 1941)	<i>Amount</i>
1941 -----	\$5,800,000
1942 -----	12,600,000
1943 -----	21,500,000
1944 -----	30,000,000 (estimate)
1945 -----	38,000,000 (estimate)
<b>Total</b> -----	<b>\$107,000,000</b>

2—Number of employers who benefited from merit rating.<sup>163</sup>

	1943	1944
Employers without a merit rate (paid 2.7 per cent tax) ----	38,528	34,299
Employers with a merit rate (paid less than 2.7 per cent)	12,046	16,319
<b>Total employers subject</b> -----	<b>50,574</b>	<b>50,618</b>

3—Effect on rate of taxation paid by employers.<sup>164</sup>

	1943	1944
Number of employers paying a 2.7% tax -----	38,528	34,299
Number of employers paying a 2.5% tax -----	3,319	3,231
Number of employers paying a 2.0% tax -----	2,455	2,580
Number of employers paying a 1.5% tax -----	2,566	3,031
Number of employers paying a 1.0% tax -----	3,706	7,477

4—Size of firms who received a merit rate:<sup>165</sup>

<sup>161</sup>Record of hearing before the Senate Interim Committee on Unemployment Insurance (March 9, 10, 11, 1944), page 77; record of hearing before the Senate Interim Committee on Unemployment Insurance (December 11, 1944), page 7.

<sup>162</sup>Letter to committee from Department of Employment (January 17, 1945).

<sup>163</sup>From Data in Report 285 #3 (July 13, 1943) and Report 285 #1 (August 15, 1944) of the Department of Employment.

<sup>164</sup>Ibid.

<sup>165</sup>Ibid. During the year 1943 there were 18,008 firms which were not rated. During 1944 there were 18,283 firms which were not rated. These are firms that did not have the necessary 3 or 3½ years experience required by the law in order to qualify for merit rating. The breakdown of the size of firms receiving merit rating in 1943 and 1944 does not include these nonrated employing units.



## 1943

<i>Employers With Pay Rolls</i>	<i>Percent Receiving Merit Rate</i>	<i>Percent Receiving No Merit Rate</i>
Below \$5,000 -----	26%	74%
\$5,000-\$9,999 -----	30%	70%
\$10,000-\$19,999 -----	39%	61%
\$20,000-\$49,999 -----	42%	58%
\$50,000-\$99,999 -----	48%	52%
\$100,000-\$999,999 -----	51%	49%
\$1,000,000 and over -----	63%	37%

## 1944

<i>Employers With Pay Rolls</i>	<i>Percent Receiving Merit Rate</i>	<i>Percent Receiving No Merit Rate</i>
Below \$5,000 -----	35%	65%
\$5,000-\$9,999 -----	43%	57%
\$10,000-\$19,999 -----	53%	47%
\$20,000-\$49,999 -----	57%	43%
\$50,000-\$99,999 -----	61%	39%
\$100,000-\$999,999 -----	65%	35%
\$1,000,000 and over -----	72%	28%

5—The administrative cost of merit rating.<sup>166</sup>

Total cost of personnel time working on merit rating

1943  
\$58,223.69

1944  
\$47,333.39

From the foregoing data, it will be seen that in 1944, about 70 per cent of all taxable employers paid a standard rate of 2.7 per cent for State unemployment insurance while 16 per cent paid a tax rate of only 1 per cent. The total tax savings for the 16,000 employers receiving a reduced tax rate in 1944 was \$30,000,000. In terms of size of firms it is seen that 72 per cent of the employers with pay rolls over \$1,000,000 obtained a tax reduction while only 35 per cent of the employers with pay rolls under \$5,000 per year received a reduced tax rate.

Since under the operation of merit rating certain employers are required to pay a standard rate of tax while other employers are permitted to pay a lower rate of tax for the support of a governmental program which benefits all employers and other individuals equally in reducing the cost for relief, stabilizing purchasing power, providing security to the working population, it is necessary to find some public purpose that is served in order to justify such individual tax variation and unequal distribution of this particular cost of government. Although no court has passed upon the constitutional validity of merit rating, the purpose on which it is based is the incentive for stabilization of employment. In fact, the California Unemployment Insurance Act specifies that its purpose is to encourage stabilization of employment as well as to provide unemployment benefits to those involuntarily unemployed.<sup>167</sup>

<sup>166</sup> Letter to committee from Department of Employment (February 8, 1945).

<sup>167</sup> Section 2, Unemployment Insurance Act.

In accepting the thesis that it is possible for an individual employer to stabilize his employment and that the unemployment insurance tax reduction is the real incentive for stabilization, your committee has found on analysis that the present formula for computing merit rating does not reflect stabilization of employment. The basis for the conclusion may be illustrated in part as follows:

(1) Assume Employer "X" begins business in 1940 and employs 100 workers paying them a monthly salary of \$150 during 1940 and 1941, and a monthly salary of \$200 during each year thereafter. His employment record would appear as follows:

Year	Number of Workers	Monthly Salary	Annual Pay Roll
1940 -----	100	\$150	\$180,000
1941 -----	100	150	180,000
1942 -----	100 (80)	200	240,000 (224,000)
1943 -----	100 (80)	200	240,000 (224,000)
1944 -----	100	200	240,000
1945 -----	100	200	240,000

Supposing Employer "X" laid off 20 workers during the last four months of 1942 and the last four months of 1943 and the workers laid off received unemployment benefits of \$20 per week for the period of their unemployment.<sup>168</sup> Under these circumstances, with unstabilized employment Employer "X" would pay a tax rate of 2.7 per cent during 1944 and 1945, as well as during the previous years during which he could not qualify for merit rating because of the three-year experience requirement.<sup>169</sup> During 1944 and 1945 he would pay a tax of \$6,480 each year.<sup>170</sup>

(2) Supposing, however, Employer "Y" begins business at the same time, employs the same number of workers, pays the same salary and lays off 20 employees during the last four months of 1942 and 1943 in the identical manner as Employer "X," with the difference that the workers laid off become reemployed by another firm or do not elect to file a claim for unemployment benefits or are held ineligible because on vacation. Under these circumstances, Employer "Y" with the same

<sup>168</sup> It is assumed the payment would be for 15 weeks (excluding the two-week waiting period) or a total of \$300 per claimant.

<sup>169</sup> The tax rates and total contributions by Employer "X" would be as follows:

Year	Contributions	Charges	Pay Roll	Tax Rate
1940 -----	\$4,860	0	\$180,000	2.7%
1941 -----	4,860	0	180,000	2.7%
1942 -----	6,048	\$6,000	224,000	2.7%
1943 -----	6,048	6,000	224,000	2.7%
1944 -----	6,480	0	240,000	2.7%
1945 -----	6,480	0	240,000	2.7%

Under the act the tax rate applies for a calendar year but is computed as of June 30th of the preceding year, which is known as the computation date. All charges and contributions up to the computation date are included in determining the net reserve balance, but the average base pay roll relates to the average pay rolls for the three completed calendar years which precede the computation date. Thus the tax rate for 1944 is computed as of June 30, 1943, and is based on the average pay rolls during 1940, 1941, and 1942. The actual computation would be as follows:

Net Reserve Balance as of June, 1943	Average Base Pay Roll for 1940, 1941, 1942	Reserve Ratio	Tax Rate for 1944
\$13,008	\$194,668	.068	2.7%

The tax rate for 1945 would be computed as follows:

Net Reserve Balance as of June, 1944	Average Base Pay Roll for 1941, 1942, 1943	Reserve Ratio	Tax Rate for 1945
\$13,058	\$209,333	.062	2.7%

<sup>170</sup> Tax determined by multiplying the annual pay roll of \$240,000 by 2.7 per cent, since there are no wages in excess of \$3,000 which would be exempt.

unstabilized employment record as Employer "X" would nevertheless receive a tax rate of 2 per cent during 1944 and his total tax for that year would be \$4,800 or \$1,600 less than the amount paid by Employer "X".<sup>171</sup> Furthermore, during the calendar year 1945, Employer "Y" would have a tax rate of only 1 per cent and his total tax for the year would be \$2,400, or \$4,080 less than the amount paid by Employer "X".<sup>172</sup> Thus with the same employment record maintained by both Employer "X" and Employer "Y" the merit rating formula under the Unemployment Insurance Act permits a wide variation in tax rates.

From the foregoing it is seen that the present formula is seriously defective and not in keeping with its purpose of providing stabilized employment, since an employer may receive a large tax reduction as a reward when in fact he has not maintained regular employment. A description of the merit rating formula found in the California Act will reveal the weaknesses which create such gross inequities in taxation. Briefly there are three factors involved in computing merit rating.<sup>173</sup>

- (1) Total contributions by the employer.
- (2) Total charges against the employer.
- (3) Average annual pay roll of the employer over a three-year period.

The actual tax rate for any employer depends on the ratio of all his contributions less all benefit charges to his average pay roll, from this ratio ( $\frac{\text{contributions less charges}}{\text{average pay roll}}$ ) the tax is determined annually at one of the following five rates: 2.7 per cent, 2.5 per cent, 2 per cent, 1.5 per cent, 1 per cent. Since pay rolls may expand or decrease even though the same workers are hired the year round, the formula will not in fact reflect the stabilization of an employer who keeps the same employment record throughout the year. On the other hand, an employer may decrease the number of workers during the year and maintain unstabilized employment, yet if the workers laid off are immediately employed or do not file a claim for benefits or are disqualified from benefits, there is no charge against his reserve account and the present merit rating formula considers such an employer as having stabilized employment. In addition, after an employer has accumulated a large reserve balance his employment may be highly unstable without affecting his tax rate. Where an employer for some fortuitous cause has high charges against his reserve account and a large negative balance, his future employment practices may

<sup>171</sup> The total tax rates and contributions by Employer "Y" would be as follows:

Year	Contribution	Charges	Annual Pay Roll	Tax Rate
1940	\$4,860	0	\$180,000	2.7%
1941	4,860	0	180,000	2.7%
1942	6,048	0	224,000	2.7%
1943	6,048	0	224,000	2.7%
1944	4,800	0	240,000	2%
1945	2,400	0	240,000	1%

The tax rate for the year 1944 would be computed as follows:

Net Reserve Balance as of June 30, 1943	Average Base Pay Roll for 1940, 1941, 1942	Reserve Ratio	Tax Rate for 1944
\$19,008	\$194,667	.097%	2%

The tax rate for the year 1945 would be computed as follows:

Net Reserve Balance as of June 30, 1944	Average Base Pay Roll for 1941, 1942, 1943	Reserve Ratio	Tax Rate for 1945
\$24,216	\$209,300	.115%	1%

<sup>172</sup> Ibid.

<sup>173</sup> See Sections 39 and 42 of the Unemployment Insurance Act.

well be stabilized and justify a reward in keeping with the theory of merit rating and still the formula will not allow a reduced tax until the reserve account has been restored. The fluctuations in tax rate from year to year are unpredictable and do not correspond to any immediate changes in employment. The following actual cases reveal to some extent the inconsistency of the merit rating formula as it now exists with its alleged purpose of stabilizing employment:

### EMPLOYER "A"

Employer's Contribution	Insurance Charges	Reserve Balance	Average Pay Roll	Ratio	Rate
\$2,152 03 <sup>a</sup>	\$36 00 <sup>aa</sup>	\$2,116 03	\$19,318 00	.109	1.5% (1941)
214 13 <sup>b</sup>	8 00 <sup>b</sup>	2,322 16	19,318 00	.120	1. % (1942)
301 01 <sup>c</sup>	72 00 <sup>c</sup>	2,551 17	22,550 00	.113	1. % (1943)
252 37 <sup>d</sup>	-----	2,803 54	25,821 00	.108	1.5% (1944)
319 33 <sup>e</sup>	-----	3,122 87	27,435 00	.113	1. % (1945)

<sup>a</sup> Period January 1, 1936, to December 31, 1940.

<sup>aa</sup> Period January 1, 1938, to December 31, 1940.

<sup>b</sup> Period January 1, 1941, to June 30, 1941.

<sup>c</sup> Period July 1, 1941, to June 30, 1942.

<sup>d</sup> Period July 1, 1942, to June 30, 1943.

<sup>e</sup> Period July 1, 1943, to June 30, 1944.

### Number of Employees (End of Month)

Month	1941	1942	1943	1944
January -----	14	15	9	9
February -----	13	14	9	9
March -----	13	12	10	10
April -----	15	11	10	9
May -----	15	12	11	11
June -----	15	11	11	10
July -----	14	11	10	11
August -----	14	12	9	11
September -----	15	11	10	11
October -----	15	11	10	11
November -----	15	10	10	12
December -----	14	9	10	11

### EMPLOYER "B"

Employer's Contribution	Insurance Charges	Reserve Balance	Average Pay Roll	Ratio	Rate
\$568 89 <sup>a</sup>	\$4 00 <sup>aa</sup>	\$564 89	\$7,024 00		2.7% (1941)
149 44 <sup>b</sup>	-----	714 33	7,023 00	.101	1.5% (1942)
234 96 <sup>c</sup>	-----	949 29	9,071 00	.104	1.5% (1943)
302 02 <sup>d</sup>	-----	1,251 31	12,855 00	.097	2. % (1944)
335 36 <sup>e</sup>	-----	1,566 67	17,355 00	.090	2. % (1945)

<sup>a</sup> Period January 1, 1936, to December 31, 1940.

<sup>aa</sup> Period January 1, 1938, to December 31, 1940.

<sup>b</sup> Period January 1, 1941, to June 30, 1941.

<sup>c</sup> Period July 1, 1941, to June 30, 1942.

<sup>d</sup> Period July 1, 1942, to June 30, 1943.

<sup>e</sup> Period July 1, 1943, to June 30, 1944.



**Number of Employees**  
(End of Month)

Month	1941	1942	1943	1944
January -----	7	9	10	9
February -----	6	11	9	9
March -----	6	11	9	9
April -----	7	11	11	10
May -----	8	9	10	11
June -----	8	10	9	12
July -----	6	7	9	11
August -----	9	9	9	9
September -----	9	9	9	10
October -----	9	9	9	11
November -----	10	12	13	10
December -----	10	9	11	12

**EMPLOYER "C"**

Employer's Contribution	Insurance Charges	Reserve Balance	Average Pay Roll	Ratio	Rate
\$513 56 <sup>a</sup>	\$2 00 <sup>aa</sup>	\$511 56	\$6,340 00		2.7% (1941)
100 55 <sup>b</sup>	6 00 <sup>b</sup>	606 11	6,340 00	.095	2. % (1942)
198 15 <sup>c</sup>	218 00 <sup>c</sup>	586 26	7,428 00	.078	2.5% (1943)
209 99 <sup>d</sup>	628 00 <sup>d</sup>	258 25	9,166 00	.028	2.7% (1944)
520 69 <sup>e</sup>	9 00 <sup>e</sup>	769 94	11,878 00	.064	2.7% (1945)

<sup>a</sup> Period January 1, 1936, to December 31, 1940.

<sup>aa</sup> Period January 1, 1938, to December 31, 1940.

<sup>b</sup> Period January 1, 1941, to June 30, 1941.

<sup>c</sup> Period July 1, 1941, to June 30, 1942.

<sup>d</sup> Period July 1, 1942, to June 30, 1943.

<sup>e</sup> Period July 1, 1943, to June 30, 1944.

**Number of Employees**  
(End of month)

Month	1941	1942	1943	1944
January -----	7	8	9	9
February -----	7	8	10	10
March -----	7	8	10	9
April -----	7	8	17	10
May -----	7	9	17	10
June -----	8	9	17	10
July -----	9	8	10	11
August -----	9	8	11	12
September -----	9	8	10	11
October -----	9	9	9	10
November -----	9	8	9	10
December -----	8	8	9	10

**EMPLOYER "D"**

Employer's Contribution	Insurance Charges	Reserve Balance	Average Pay Roll	Ratio	Rate
\$242,735 47 <sup>a</sup>	\$141,302 00 <sup>aa</sup>	\$101,433 47	\$2,528,634 00	.040	2.7% (1941)
89,760 57 <sup>b</sup>	15,063 00 <sup>b</sup>	176,131 04	2,528,634 00	.069	2.7% (1942)
699,271 97 <sup>c</sup>	27,579 00 <sup>c</sup>	847,824 01	5,450,856 00	.155	1. % (1943)
1,287,669 53 <sup>d</sup>	6,208 00 <sup>d</sup>	2,129,285 54	24,072,578 00	.099	2. % (1944)
1,267,136 37 <sup>e</sup>	27,205 00 <sup>e</sup>	3,638,830 00	58,408,688 00	.062	2.7% (1945)

<sup>a</sup> Period January 1, 1936, to December 31, 1940.

<sup>aa</sup> Period January 1, 1938, to December 31, 1940.

<sup>b</sup> Period January 1, 1941, to June 30, 1941.

<sup>c</sup> Period July 1, 1941, to June 30, 1942.

<sup>d</sup> Period July 1, 1942, to June 30, 1943.

<sup>e</sup> Period July 1, 1943, to June 30, 1944.

**Number of Employees**  
(End of Month)

Month	1941	1942	1943	1944
January -----	3,049	9,502	31,289	27,802
February -----	2,971	11,689	32,427	26,389
March -----	3,332	13,042	33,307	26,110
April -----	3,755	13,799	33,848	25,961
May -----	2,390	17,812	34,200	25,104
June -----	3,533	20,672	34,984	23,494
July -----	4,633	26,944	35,429	22,485
August -----	5,093	25,216	34,787	22,260
September -----	6,211	26,394	34,090	22,454
October -----	5,894	29,781	32,593	22,690
November -----	6,370	32,449	29,910	21,275
December -----	7,683	31,763	27,358	19,562

**EMPLOYER "E"**

Employer's Contribution	Insurance Charges	Reserve Balance	Average Pay Roll	Ratio	Rate
\$1,698,931 38 <sup>a</sup>	\$371,657 00 <sup>aa</sup>	\$1,327,254 07	\$17,665,599 00	.075	2.5% (1941)
555,730 09 <sup>b</sup>	80,820 00 <sup>b</sup>	1,802,184 47	17,665,599 00	.102	1.5% (1942)
1,326,554 45 <sup>c</sup>	147,642 00 <sup>c</sup>	2,981,092 62	33,409,253 00	.089	2.5% (1943)
4,540,852 85 <sup>d</sup>	70,926 00 <sup>d</sup>	7,451,023 77	76,116,396 00	.097	2. % (1944)
5,420,189 46 <sup>e</sup>	156,437 00 <sup>e</sup>	12,714,776 23	149,566,213 00	.085	2.5% (1945)

<sup>a</sup> Period January 1, 1936, to December 31, 1940.

<sup>aa</sup> Period January 1, 1938, to December 31, 1940.

<sup>b</sup> Period January 1, 1941, to June 30, 1941.

<sup>c</sup> Period July 1, 1941, to June 30, 1942.

<sup>d</sup> Period July 1, 1942, to June 30, 1943.

<sup>e</sup> Period July 1, 1943, to June 30, 1944.

**Number of Employees**  
(End of Month)

Month	1941	1942	1943	1944
January -----	21,946	42,905	123,265	93,223
February -----	23,464	44,057	129,384	91,415
March -----	24,934	46,579	135,502	88,566
April -----	27,759	51,350	104,741	88,523
May -----	29,048	57,450	103,700	81,504
June -----	31,447	63,320	105,273	74,833
July -----	32,196	71,547	106,812	69,545
August -----	31,187	78,305	103,809	65,027
September -----	32,874	88,737	101,115	58,926
October -----	33,485	96,522	156,761	57,057
November -----	35,060	104,631	151,797	55,838
December -----	37,756	114,962	148,136	55,285

It is the unanimous opinion of your committee that a thorough and detailed study should be made of the possibility of developing a formula whereby an employer who in fact stabilizes employment is given a reduced tax rate as a reward for his efforts and the employer who does not stabilize employment is not allowed such a reduced rate. The committee has made a study of employment variation and pay roll variation formulae; however, further analysis is needed in order to make any recommendation. The majority of the members of your committee are not in a position at this time to recommend that merit rating should be eliminated entirely from the act. However, the wide variations in tax rates should be adjusted so that no reduced rate is allowed below 1.7 per cent. until such time as a more equitable formula is adopted.

It is the opinion of the chairman of your committee that merit rating should be eliminated entirely from the Unemployment Insurance Act. There are a number of reasons for this conclusion.

Primarily, the assumption on which merit rating is based, namely, the stabilization of employment, should be reconsidered. An honest appraisal of the wartime conditions will clearly reveal that stabilization of employment is basically not within the control of the employer. Moreover, the extent of stabilization which may be found in some industries where the employer has a small degree of control over employment, results more from sound principles of industrial relations and business practice than unemployment insurance taxation. The theory of a tax reduction to encourage stabilized employment rests on the fallacious assumption that an employer has complete direction and control over his employment and the extent of labor his business will demand. If such were the case, unemployment insurance would be unnecessary. Unemployment insurance is based on the very fact that unemployment is an evil of industry arising under the private enterprise system which can be neither predicted nor directed by individual efforts. Thus, granting a tax reduction to an individual as an incentive or reward for stabilization of employment is contrary to the fundamental principle of unemployment insurance that unemployment is beyond the control of the employer. In but few cases can it be honestly said that merit rating has produced stabilized employment. It merely grants a lower tax to the employer who is able to maintain regular year-round employment, or if not able to do so, is fortunate enough through his own efforts, or through chance, to find that his former employees do not collect unemployment insurance. Thus, merit rating attempts to allocate the cost of unemployment insurance among individual employers on the basis of the amount of benefits paid to their former employees.

As a method of distributing the the cost of unemployment insurance among employers, merit rating presents a fundamental question of taxation. A careful analysis will show that it is not a sound principle of taxation, but that it is in fact arbitrary and discriminatory tax legislation. Unemployment insurance has been sustained as a proper use of public funds. It provides direct benefits to the recipient and indirect benefits to the entire State. Without those indirect benefits to the entire State it could not stand as a valid and constitutional law. The indirect benefits of unemployment insurance are generally only appreciated in times of high unemployment when the State is required to appropriate large sums of money, which are derived from taxes, for the purpose of providing a system of relief. Also, as pointed out in Section 1 of the Unemployment Insurance Act, the State benefits through unemployment insurance in that purchasing power is stabilized. These indirect benefits in themselves have justified the imposition of a tax for the support of this necessary public program. The cost of unemployment insurance is a cost of Government and the notion of merit rating introduces into this particular field the theory that taxes for the support of Government should be in direct proportion to the benefits derived from Government. This is, in effect, to say that only those individuals who have children should pay for the cost of schools or that a corporation should be exempt from school taxes because it derives no benefit from schools themselves. However, the entire State does benefit from education. In

the same manner the entire State benefits from unemployment insurance in that the standard of living of the working population is maintained during periods of unemployment and expenditures for relief are minimized and purchasing power is maintained. The concept of merit rating with individual tax rates rebels against the accepted principle of taxation used in this country that all taxpayers in the same class share equally the cost of Government. A clear expression of this fundamental theory of taxation is found in the language of the Supreme Court of the United States in sustaining the validity of State unemployment insurance taxes.<sup>175</sup>

"A tax is not an assessment of benefits. It is, as we have said, a means of distributing the burden of the cost of government. The only benefit to which the taxpayer is constitutionally entitled is that derived from his enjoyment of the privileges of living in an organized society, established and safeguarded by the devotion of taxes to public purposes. Any other view would preclude the levying of taxes except as they are used to compensate for the burden on those who pay them, and would involve the abandonment of the most fundamental principle of government—that it exists primarily to provide for the common good. A corporation cannot object to the use of the taxes which it pays for the maintenance of schools because it has no children. This Court has repudiated the suggestion, whenever made, the expenditure of public moneys to be apportioned to the burdens of the taxpayer, or that he can resist the payment of the tax because it is not expended for purposes which are peculiarly beneficial to him."

Merit rating is nothing more than a tax savings device whereby in theory, at least, those employers who are in an industry in which employment is stable will obtain a lower tax than those employers whose employment, through no fault of their own, shows a high turn over. In this respect it is similar to the theory of unemployment insurance on an industrial basis in which each industry only pays for the cost of those workers who are unemployed because of unemployment arising from that particular industry. Industrial unemployment insurance as distinguished from general unemployment insurance is not new. It is basically a carry-over from the early European voluntary plans which developed on an industrial basis. Only a few States in the United States have any vestiges of the concept of industrial unemployment insurance embodied in their law except for the merit rating principle.<sup>176</sup> However, if an industrial program is accepted, one must be consistent and require penalty rates which may reach prohibitive costs for those industries in which there is a high labor turn over and fluctuation of employment. Experience in both the United States and Europe has shown that under industrial unemployment insurance the industries with irregular employment are either taxed excessively or the workers receive few or no benefits. As a matter of fact, there is little need for the State to enter into the field of unemployment insurance if each industry is to pay its own way. The concept of taxing all equally and spreading the high risk with the low risk is the underlying principle in compulsory unemployment insurance. Moreover, this approach of unemployment insurance on an individual industry basis fails to recognize that unemployment insurance provides more than just direct benefits to the recipients. The public purpose that is served is discounted entirely.

<sup>175</sup> *Carmichael v. Southern Coal and Coke Co.* (1937), 301 U. S. 495, at 521.

<sup>176</sup> The six States with employer reserve fund (Indiana, Kentucky, Nebraska, North Carolina, South Dakota, and Wisconsin) reveal significant features of industrial unemployment insurance. Also the penalty rates imposed in those States with pooled funds are further attempts to allocate the cost of unemployment insurance to the particular industries wherein unemployment is more prevalent.



It is provided in the California Unemployment Insurance Act that the price of goods and services should include the cost of unemployment.<sup>177</sup> Thus in taxing the employer it is recognized that to a large extent the tax may be shifted to the public who purchase the goods and services. Under this principle every citizen pays the cost of unemployment insurance which is the cheapest and most expedient method of handling the public problem of temporary unemployment. The concept of merit rating is entirely inconsistent with such an allocation of the cost of unemployment insurance. The employer with a low tax rate is given an unfair competitive advantage over the employer with a high tax rate.

For these reasons it is clear that the unemployment insurance tax should be equal and the same for all taxpayers, just as every other tax imposed by this State. If, after a complete business cycle, we return to a more normal economy, the cost of a sound and complete unemployment insurance program can perhaps be determined. At such time the tax rate should be adjusted accordingly for all taxpayers and not a select few. Under the present Federal Unemployment Tax Act it is not possible as a practical matter to reduce the unemployment insurance tax for all employers except on an individual basis with variable tax rates.<sup>178</sup> One solution of this problem, which is a future problem of tax reduction, lies in congressional action amending the Federal Unemployment Tax Act to allow those States which meet certain basic coverage and benefit standards to adopt a lower tax rate for all employers on a uniform basis. In the interim, there is certainly no reason for maintaining an inequitable and unsound principle of taxation in the California Unemployment Insurance Act, which during times of high employment permits some of the taxpayers of the State to enjoy a lower tax than others, when after the war and unemployment strikes it is recognized that the money paid out in benefits to help mitigate the problem of unemployment and minimize the cost of relief will be the money derived from the pooled contributions of all taxpayers. If it is found that more money is being collected than required for unemployment insurance benefits at present, the recommendation of the Chairman is that a uniform tax of 2 per cent or 1.7 per cent be imposed in lieu of the existing 2.7 per cent tax on all employers having less than eight employees who are not subject to the Federal Unemployment Tax Act. The Federal tax does not apply to these small employers and a lower tax rate on a uniform basis could be extended which would be consistent with the sound principle of equal taxation of all those in the same general classification. Furthermore, only few of these small employers are able to obtain a reduced tax under merit rating, since the receipt of benefits by one or two former employees will greatly reduce the individual reserve account of a small employer.

On principle, merit rating is unsound and has no place in unemployment insurance or the American system of taxation. In practice, the effect of merit rating can be observed from the facts which speak for themselves. The loss of \$30,000,000 to the fund during 1944 as a result of merit rating in a time of high employment is startling. However, what is even more significant is the fact that not all, but only 32 per

<sup>177</sup> Section 1 of the Unemployment Insurance Act.

<sup>178</sup> The additional credit provision of the Internal Revenue Code (Section 1602) are discussed in Chapter II-B, *supra*.

cent of the taxpayers obtained the benefit of this \$30,000,000 in tax savings, with the largest reduction going to the big employers. The records of the Department show that during the year 1944 only 35 per cent of the employers having an annual pay roll of under \$5,000 received a reduced tax, while 72 per cent of those employers with an annual pay roll of over \$1,000,000 enjoyed a tax reduction.

The inequity of merit rating in practice may be observed from the following three actual cases:

### EMPLOYER "A"

Employment record					Tax rate for		
Month	1941	1942	1943	1944	1942	2.0%	
January -----	7	8	9	9	1943	2.5%	
February -----	7	8	10	10			
March -----	7	8	10	9	1944	2.7%	
April -----	7	8	17	10			
May -----	7	9	17	10	1945	2.7%	
June -----	8	9	17	10			
July -----	9	8	10	11	Average	2.5%	
August -----	9	8	11	12			
September -----	9	8	10	11			
October -----	9	9	9	10			
November -----	9	8	9	10			
December -----	8	8	9	10			

### EMPLOYER "B"

Employment record					Tax rate for		
Month	1941	1942	1943	1944	1942	1.5%	
January -----	21,946	42,905	123,265	93,223	1943	2.5%	
February -----	23,464	44,057	129,384	91,415			
March -----	24,934	46,579	135,502	88,566	1944	2.0%	
April -----	27,759	51,350	104,741	88,523			
May -----	29,048	57,450	103,700	81,504	1945	2.5%	
June -----	31,447	63,320	105,273	74,833			
July -----	32,196	71,547	106,812	69,545	Average	2.1%	
August -----	31,187	78,305	103,809	65,027			
September -----	32,874	88,737	101,115	58,926			
October -----	33,485	96,522	156,761	57,057			
November -----	35,060	104,631	151,797	55,838			
December -----	37,756	114,962	148,136	55,285			

### EMPLOYER "C"

Employment record					Tax rate for		
Month	1941	1942	1943	1944	1942	2.0%	
January -----	12,205	14,668	15,146	16,107	1943	1.0%	
February -----	12,178	14,533	14,962	16,176			
March -----	12,416	14,573	14,990	16,361	1944	1.0%	
April -----	12,829	14,609	14,993	16,264			
May -----	13,158	14,609	14,885	16,258	1945	1.0%	
June -----	13,603	14,660	15,326	16,488			
July -----	14,021	14,716	15,972	17,229	Average	1.2%	
August -----	14,308	14,507	15,874	16,462			
September -----	14,722	14,492	15,375	15,304			
October -----	14,375	14,450	16,018	16,951			
November -----	13,784	13,999	16,402	16,896			
December -----	13,168	13,269	16,296	16,749			

Employer "A" with a small number of workers but generally stable employment paid an average tax rate of about 2.5 per cent from 1942 through 1945. Employer "B" with a tremendously large number of workers, but highly unstabilized employment paid a tax rate of 2.1

per cent during the same period. Employer "C" with a fairly stable employment record paid an average tax rate of 1.2 per cent during this four year period. These actual cases reveal the discriminatory tax rates which prevail under the merit rating principle and the adverse effect on the small employer.

It is apparent from the foregoing that neither in theory nor in practice can merit rating be justified. The incidental argument frequently advanced in support of merit rating by those whose primary objective is not unemployment insurance, but tax saving, should be considered. It is commonly said that without merit rating there would be no policing of the law. Obviously, the enforcement of the law is a public function to be performed by public officials and not by the few employers and the so-called "tax experts" who concern themselves with benefit payments. As a practical matter, only a limited number of employers have time or facilities for rendering assistance in policing the law. However, certainly the cost of \$30,000,000 for merit rating during 1944 can hardly be considered a reasonable fee for the policing of the unemployment insurance law performed by certain private individuals. Actually, the largest State in the Union, New York, together with seven other States does not have merit rating and the California law is not enforced to any greater extent than the law of these other States.<sup>179</sup> This argument advanced in support of merit rating will not stand analysis nor has it any place in a tax law. Actually under the guise of policing the law certain employers in the past have created fictitious jobs in an effort to disqualify a claimant for refusing an offer of employment which never existed. The public officials who administer the law are certainly not free from private influence in times of high benefit payments under the existing merit rating system.

Other significant practical effects of merit rating which are detrimental to an unemployment insurance system manifest themselves in efforts to restrict the payment of benefits by legislation and to oppose any attempt to improve the unemployment insurance program which may involve possible extension or increase in benefits. This arises because the merit rating formula takes in more than stabilization of employment. Benefit charges play a material role in computing the tax rate. Thus by preventing former employees from obtaining benefits or decreasing the total amount of benefits they are entitled to receive, the possibility of obtaining a lower tax rate is greatly enhanced even though the employer has not offered stable employment.

It is the considered opinion of the chairman of the committee that the present system of variable tax rates, with low rates for certain employers and high rates for others, is unsound and discriminatory taxation and should be replaced by a uniform and equal tax levy. The chairman therefore recommends that merit rating be eliminated from the California Unemployment Insurance Act, and that, until such time as the Federal Act permits a uniform reduction in tax rates for all employers equally, the tax on all those employers who are not subject to the Federal act (firms with less than eight employees) should be

<sup>179</sup> New York within the past week enacted a modified form of merit rating based on pay roll variations and involving a refund system. There is little inducement for employers to police the law under such a formula size tax reduction is based on an employers actual employment experience and not on charges to his reserve account which in many instances have nothing to do with stabilization of employment.



lowered uniformly to the extent necessary to encourage small business enterprises and to prevent the accumulation of a larger fund than is necessary.

### D—Other Problems

In addition to those issues which have been set forth as questions of coverage, benefits, and taxation, there are numerous other unemployment insurance problems which have been considered by your committee in the course of its investigation. Among these are the following:

#### SOLVENCY OF THE FUND

The preliminary report submitted on June 15, 1944, by your committee was devoted primarily to postwar problems, particularly to a study of the solvency of the Unemployment Insurance Fund of this State. It was pointed out that the stability of the fund was not definite at that time in view of the unknown factors. On the basis of the additional data and information which has become available, the following supplement is submitted.

There are three factors which have made the outlook of the postwar solvency of the Unemployment Insurance Fund more favorable. Primarily, earlier studies assumed that the first postwar year would occur in 1945. Since the war has not ended, and contributions have remained high, with the interest on the fund offsetting all of the benefit payments during the past few years, the balance in the fund before the end of the war will be considerably larger than anticipated. Secondly, the enactment of the Servicemen's Readjustment Act of 1944 (G. I. Bill) making provision for a maximum of 52 weeks of unemployment insurance benefits for discharged veterans has removed a large potential liability against the fund.<sup>180</sup> Thirdly, under the War Mobilization and Reconversion Act of 1944 (George Bill), provision has been made for loans to the States to carry over a short period of extremely high benefit payments and low contributions which may be expected after the war.<sup>181</sup>

Only recently has the committee been able to obtain a revised report from the commission on the possible postwar solvency of the California Fund in the light of the conditions which have transpired during the past year. A copy of this revised preliminary report appears in Appendix E.

Briefly, the major assumption is that the war with Japan will end in mid-1946 and the war against Germany prior to that time, with the heaviest drain on the fund not expected until late 1946 and early 1947. Accepting this major assumption, the solvency study made by the Department of Employment may be summarized as follows:

With severe unemployment for not longer than a year period following the war, it is estimated by the department that the Unemployment Fund will be in better condition at its very lowest level than it was in 1943, and at no time during the postwar transition period will fall below \$527,000,000. This estimate assumes that only in the year 1947 will fund income be smaller than benefit payments, and during the entire period from January, 1945, through December, 1948, the total

<sup>180</sup> The provisions of the Veteran's G. I. Bill are set forth on page 23, supra. The Department of Employment estimates a total savings to the fund of \$61,000,000 as a result of this Federal legislation.

<sup>181</sup> The provisions of the War Mobilization and Reconversion Act of 1944 are discussed on page 24, supra.



amount of benefit payments would be \$569,000,000, while total income would amount to \$481,000,000. In short, the entire reconversion period under this estimate would reduce the present fund of \$621,000,000 by only \$88,000,000, leaving a net balance of \$534,000,000 as of December 31, 1948. This estimate allows for a total of 1,240,000 individuals to file a claim for benefits during the year period immediately after the war, and with an average of \$289 payable in benefits to each claimant which would create a liability of \$358,000,000. However, on the basis of calendar years, the total payments from the fund would be as follows:

Total Benefit Payments	Year
\$93,500,000 -----	1946
353,500,000 -----	1947
97,000,000 -----	1948

With severe unemployment for a two-year period following the war it is estimated that the unemployment fund will fall to \$234,000,000 by the end of 1948 and would be equivalent to the status of the fund during the year 1941. This estimate would assume total benefit payments of \$830,000,000 during the period from January, 1945, through December, 1948, with total income to the fund of \$443,000,000 during the same period. It would be possible under this estimate to provide benefits of \$289 to 1,240,000 different individuals each year for a two-year period. Thereafter benefit payments would decrease sharply and would be offset by the amount of income to the fund.

Although the soundness of several of the assumptions and important factors as to postwar employment conditions and average benefit payments accepted by the Department of Employment in its study may be somewhat questionable, it nevertheless is the opinion of your committee that on the basis of the facts available at this time there is little danger of insolvency of the Unemployment Insurance Fund unless extremely unfavorable economic conditions prevail for a number of years during the postwar period.

#### TEMPORARY UNEMPLOYMENT DISABILITY INSURANCE

The individual who is involuntarily unemployed because of illness or injury cannot qualify for benefits under the Unemployment Insurance Act because he is not physically able to work.<sup>182</sup> The failure to provide benefits to these workers who are unemployed because of sickness is a fundamental weakness in the law and presents a serious problem which has come to the attention of the members of the Committee on various occasions. It is the most frequent complaint registered by the workers themselves throughout the State in filing claims for unemployment benefits. Most individuals are perplexed to find that the law requires them to contribute to a fund to provide benefits when they are unemployed and well, but not when they are unemployed and sick. A number of actual cases have been observed which reflect this unfortunate situation, and clearly reveal the need for protecting this type of worker who is involuntarily unemployed through no fault of his own from the hazards of temporary unemployment.

<sup>182</sup> Section 57(c) of the Unemployment Insurance Act.

In California where a worker is unemployed because of injury arising within the scope of his employment, some protection is offered by the Workmen's Compensation Act. If an individual is unemployed because of lack of work, benefits are provided under the Unemployment Insurance Act. However, for the worker who is unemployed because of an illness or injury not within the reach of the Workmen's Compensation Act no protection whatsoever is granted. Your committee feels that it is an anomolous situation and a serious gap in providing economic security for the large working population of the State.

In approaching the subject of unemployment disability insurance it is necessary to understand the precise nature and purpose of such a program. When a worker becomes unemployed, there is the risk of wage loss involved. When a worker becomes unemployed and disabled simultaneously, there are two risks involved, namely, (1) the wage loss due to loss of work, and (2) in most cases the medical care due to the disability. Unemployment Disability Insurance is designed to compensate for the risk of wage loss only and not for the risk of medical care. In brief, therefore, the purpose of unemployment disability insurance is to offer the same protection against wage loss to the unemployed and sick that is offered to the unemployed and healthy under the existing unemployment insurance system.

The actual number of workers in the State who have been denied unemployment benefits on the ground of physical inability to work is not available from the statistical records of the Department of Employment. The only data the committee was able to secure from the department in this respect related to the number of workers disqualified for benefits during the years 1942, 1943, and 1944 on the basis of Section 57 (c) of the Act. This includes those individuals not "available for work" as well as those not "able to work" and is, therefore, of little significance. A survey made by the committee for other purposes of all disqualifications imposed by three different local offices of the Department of Employment during a five-day period in 1944 revealed that eight out of a total of 49 disqualifications were made for the reason that the claimant was not physically able to work. However, many individuals do not file a claim for unemployment benefits when informed they must be physically able to work, and for this reason only a few of the cases are reflected in the records of various local offices.

In an effort to obtain specific actual statistical data on the number of workers in California unemployed because of disability, your committee found that the U. S. Army had compiled a comprehensive analysis on the basis of voluntary group insurance plans in three large war plants in southern California. After making several requests, the committee has obtained the use of this source of information which contains a complete and detailed breakdown of the frequency and

duration of claims and the various causes of disability.<sup>183</sup> This material has been helpful in comparing other estimates which have been made of the cost of an unemployment disability insurance program for this State. However, because of the limited coverage, the experience with voluntary plans is more significant in determining the various types of sickness and injuries which are most common to the locality and industry and the frequency of their occurrence than in determining the cost of a compulsory program with complete coverage.

The State of Rhode Island established a "Cash Sickness" program in 1942 and benefits have been paid thereunder since April 1, 1943.<sup>184</sup> During 1945, three States have already adopted the disability provisions of the Veteran's G. I. Bill.<sup>184a</sup> Your committee has communicated with the administrative agency of Rhode Island several times in order to obtain information on the actual experience with the general and specific features of their law. A critical study of the operation of the system in that State has been made. However, before considering the activity under the Rhode Island Cash Sickness Act, it is helpful to have in mind a brief digest of some of the salient features of the Rhode Island law.

#### (1) SUMMARY OF THE RHODE ISLAND CASH SICKNESS COMPENSATION ACT

The system is financed entirely by a 1 per cent tax on the wages (under \$3,000) of workers who are subject to the Rhode Island Unemployment Insurance Law.<sup>185</sup> It is administered as a part of the unemployment insurance program although a separate fund is maintained from which benefits as well as administration expenses are paid. An individual is deemed sick if he is unable to perform his regular services because of a mental or physical condition.<sup>186</sup> The maximum amount of benefits payable in any benefit year is \$364.50 and the minimum is \$34. To qualify for the minimum, a worker need earn only \$100 during a previous year period, and to qualify for the maximum total wages of \$1,800 or more are required. Payments vary from \$6.75 to \$18 per week, depending on highest quarter earnings. The duration of benefits

<sup>183</sup> Approximately 200 charts and graphs were obtained. The frequency of claims was outlined in a letter to the committee as follows:

"Contractor 'A': This contractor had a plan of accident and health insurance with payment in the event of nonoccupational accident commencing with the first day, and with the eighth day, for sickness for which no workmen's compensation benefits are payable. Payment in the event of claim for any one disability was limited to thirteen (13) weeks. For the period analyzed the frequency of claims per year per thousand employees for male employees was 120, for single female employees was 250, and for married female employees was 500.

Contractor "B": This contractor had an accident and health insurance plan with benefits payable from the first day in the event of nonoccupational accident and from the fourth day in the event of sickness for which no workmen's compensation benefits are payable. The limit of payment for any one disability was thirteen (13) weeks. For the male employees there was an average frequency of about 210, and approximately the same for the single female employees, but with the married female employees frequencies in two months of analysis exceeded 800, which rate was sufficient to increase the average for all female employees to over 400 per year.

Contractor "C": Benefits under this contractor's accident and health insurance plan were payable from the first day in the event of nonoccupational accident and from the fourth day in the event of sickness for which no workmen's compensation benefits are payable, with not more than thirteen (13) weeks payable in the event of any one disability. Frequencies for male employees were 275, for single female employees approximately 500, and for married female employees approximately 750, with one month in which the frequency exceeded 1,200."

It was definitely pointed out that these figures reflect abnormal conditions and the "probabilities are that they do not reflect a general situation under normal conditions."

The average duration per 1,000 lives exposed per year was in one case about 2.3 weeks for males and about 3.1 weeks for females, and in another case about 2.5 weeks for males and 3.2 weeks for females.

<sup>184</sup> The Rhode Island Cash Sickness Compensation Act became effective May 10, 1942. Contributions were collected beginning June 1, 1942, and benefit payments were first made on April 1, 1943.

<sup>184a</sup> These States include Maryland, Montana and Nevada. Under the G. I. Bill benefits are payable to an individual who becomes disabled after filing a claim for unemployment benefits. See Note 50a, supra.

<sup>185</sup> Section 4 of the Rhode Island Cash Sickness Compensation Act.

<sup>186</sup> Section 2(13) of the Rhode Island Cash Sickness Compensation Act.



depends on the formula; however, the maximum duration is slightly more than 20 weeks. A one-week waiting period, which is a calendar week and not a period of seven consecutive days, is required in order to receive benefits.<sup>187</sup> Only one waiting period must be served during an entire benefit year. A claims examiner determines the validity of the claim and the right of appeal from his decision is provided. The administrative agency has authority to require an examination by a physician appointed by the agency to consider cases which the claims examiner has reason to question. No individual is eligible to receive sick benefits for any week in which he receives unemployment benefits under the laws of any State or of the United States; however, both sick benefits and workmen's compensation are payable simultaneously.

**(2) ACTIVITY UNDER THE RHODE ISLAND CASH SICKNESS  
COMPENSATION ACT<sup>188</sup>**

Worker contributions were collected beginning June 1, 1942, and benefits became payable after April 1, 1943. During this 10-month period when no benefits were paid out, a net reserve of \$2,659,937 had accumulated in the fund. The total income to the fund on the basis of the 1 per cent tax from June, 1942, until the end of October, 1944, was \$10,213,128. A total of \$7,216,206 was paid out in benefits since April, 1943, leaving a balance after deducting administrative expenses of \$2,758,685 as of October 31, 1944. This means that as of October 31, 1944, the system was able to pay all benefit claims and administration expenses and at the same time add nearly \$100,000 to the original reserve. Although total expenditures exceeded total income during the month of October, 1944, and there is some question of the adequacy of the existing financial structure in a period of declining employment, the program during its one and a half years of benefit payments has maintained itself and provided a small reserve. It may be fairly said that up to this time the system has been self-sustaining, despite the problems encountered in administering a new law and the fact that benefits are paid concurrently with workmen's compensation and only one calendar week during an entire year is required as a waiting period. NOTE—At the time of printing your committee was informed by the Rhode Island agency that the balance in the sickness fund as of April 1, 1945 was \$2,765,453. Thus, the Rhode Island system after two years of benefit payments (April 1, 1943 to April 1, 1945), has not touched the original reserve of \$2,659,937 which had accumulated during the first 10 months before benefits became payable and in fact has been able to add to this reserve over \$100,000, although during the calendar year 1944 more money was paid in benefits than was collected in contributions.

During the first year of activity (April 1, 1943-March 31, 1944) a total of \$3,881,162 was paid in benefits to 32,624 claimants. The average number employed at the middle of each month during the year period was about 240,000 workers; however, the number with sufficient earnings to qualify is estimated at 260,000 to 285,000. More than one in every eight workers received benefits, and the average length of benefits for the 32,624 workers was about seven weeks. Of the 32,624 claimants,

<sup>187</sup> Under Joint Resolutions 13 and 14 issued pursuant to the Rhode Island Act, it appears the waiting period may be as short as five days or as long as 11 days since claims filed after Wednesday are dated the following week and claims filed on or before Wednesday are dated back to the first of the week.

<sup>188</sup> Data from statement by Mortimer W. Newton, Chairman of the Rhode Island Unemployment Compensation Board, published "Health Insurance in America," Second National Conference on Social Security, U. S. Chamber of Commerce, January, 1945, pp. 151-151, Monthly Labor Review, United States Department of Labor, February, 1945, Vol. 60, No. 2, pp. 225-242; Ninth Annual Report (1944) of the Rhode Island Unemployment Compensation Board.



45 per cent or 14,239 were men and 55 per cent or 18,385 were women, although there are more men than women in the labor market in Rhode Island. In this respect it is interesting to note that 40 per cent of the women and 20 per cent of the men exhausted their wage credits. The average benefit payment was \$119 per claimant.

The largest single amount of benefits was paid to women workers for pregnancy. This accounted for about 17 per cent of all payments during the year. Other expensive items in order of their cost include fractures, heart diseases, arthritis, mental and nervous disorders, pneumonia, influenza, bronchitis, appendicitis and other causes.

Of the 32,624 persons who received benefits during the year, 4,633 were in hospitals, 6,396 remained at home, and 15,113 received treatment in physician's offices. The remaining cases involved a combination of these methods of treatment.

On the basis of this actual experience of Rhode Island with its cash sickness program, an identical program for California assuming the same frequency and duration of disability would have cost approximately \$40,000,000 during the year 1944.<sup>189</sup> This would include double payment in industrial accidents, injuries, a one week waiting period in a benefit year, and payment in pregnancy cases. With worker contributions in this State of \$53,000,000 during 1944, it is clear that a 1 per cent tax would be adequate to finance such a program under present conditions. Other estimates have been made on the basis of the incidence of disability in the United States and special studies of morbidity in certain areas of the United States, as well as on the basis of British experience. These studies indicate the annual cost of a disability program for California under the benefit provisions of the present Unemployment Insurance Act, (a two-week waiting period) would range from \$15,000,000 to \$27,000,000 per year.<sup>190</sup>

<sup>189</sup> The coverage under the Rhode Island Law in terms of number of eligible claimants is approximately one-tenth of the coverage under the California Unemployment Insurance Act. Assuming a similar pattern of frequency and duration of sickness, Rhode Island would be a 10 per cent sample of the conditions in California. The total benefit payments in Rhode Island for a one-year period ending March 31, 1944, was \$3,881,162. Expanding this figure by 10 times would indicate a total cost of about \$39,000,000 dollars for an identical program in California.

On the basis of the Rhode Island experience with one out of every eight eligible persons filing a claim and an average duration of seven weeks benefits per claimant, a computation was made with the technical assistance of the statisticians of the Department of Employment of the cost of a program for California assuming the same frequency and duration of disability. It was revealed that with 2,600,000 eligible workers in California during 1944 and an average benefit payment of \$18 per week (the average unemployment insurance check during 1944 was \$17.44), the total cost, assuming the same incidence and duration of illness as in Rhode Island, would be approximately \$41,000,000. The cost of administration would not increase this amount by more than about 4 per cent.

<sup>190</sup> Estimates of the cost of cash sickness benefits were estimated by three different methods in 1941. These estimates and methods appear in the Employment Security Bulletin No. 8, pages 39 and 40 (Department of Employment).

The following computations use the same figures on the incidence and duration of illness used in the 1941 estimates. The weekly benefit rate and the number of eligibles has been changed, however, to reflect present conditions. The average weekly rate is assumed to be \$19 and the number of eligibles to be 2,650,000 persons. Numbering of methods correspond to the numbering in the 1941 computations. All methods assume a two-week waiting period to be served.

#### Method 1

The incidence of illness of over 2 weeks duration during a year, based on a survey published in the Social Security Bulletin, indicates about 400 compensable weeks per thousand workers per year. The present annual cost on this basis is:

$$0.4 \times 2,650,000 \times \$19 = \$20,140,000$$

#### Method 2

The incidence of morbidity for 30,000 persons studied by Falk, Klem, and Sinai shows the average "employed" person spent 2.2 days in bed because of illness per year. Allowing for cases of illness not confined to bed, this figure was raised to 4.0 days per year. The British Social Insurance Commission in 1917 indicated that only 52.47 per cent of all weeks of illness are compensated under a two-week waiting period. The estimated cost is:

$$\frac{4}{9} \times .5247 \times \$19 \times 2,650,000 = \$15,098,000$$

#### Method 3

Assumes 9.1 days of illness based on all members of a family rather than workers who usually have a lower illness rate, (a disability rate approximately twice that reported in the U. S. National Health Survey). Cost is:

$$\frac{9.1}{7} \times .5247 \times 2,650,000 \times \$19 = \$34,344,239$$

A deduction of 20 per cent was made in the 1941 calculations for industrial accidents covered by workmen's compensation. Correcting for this factor, the estimated cost is \$27,475,000.

After a careful analysis of the data available, your committee recommends a temporary unemployment disability insurance program for California with the following basic provisions:

- (1) That the 1 per cent tax on the wages of workers up to \$3,000 which is now required under the Unemployment Insurance Act be diverted into a separate disability fund.
- (2) That an amount not to exceed 10 per cent of all contributions be provided to defray administrative expenses in operating the program;
- (3) That the system be administered by the Employment Stabilization Commission through the Department of Employment as a part of the unemployment insurance program;
- (4) That coverage be identical with coverage under the Unemployment Insurance Act;
- (5) That the amount and duration of disability benefits be made identical with unemployment benefits;
- (6) That a waiting period of seven consecutive days be required for each period of disability;
- (7) That no disability benefits be paid to an individual receiving unemployment benefits or workmen's compensation under the law of this State or of any other State or of the United States;
- (8) That no disability benefits be paid for any disability arising in connection with or resulting from pregnancy;
- (9) That no disability benefits be paid during any week in a benefit year after unemployment benefits have been completely exhausted;
- (10) That no disability benefits be paid during any week for which an individual is serving a disqualification imposed under the Unemployment Insurance Act.<sup>1904</sup>
- (11) That no disability benefits be paid from the Disability Fund until one year after the effective date of the law;
- (12) That provision be made as a safeguard against the possibility of any immediate and unforeseen danger to the solvency of the fund by permitting the Governor in case of emergency to authorize an increase in waiting period or decrease in benefits until such time as the Legislature takes action.

With the foregoing limitations and qualification in an Unemployment Disability Insurance Act, your Committee is convinced that a 1 per cent tax will be ample to finance the system on a permanent basis and at the same time provide a sound, workable and properly restricted program. This conclusion as to the adequacy of the 1 per cent tax is based primarily on an analysis of the Rhode Island experience. As pointed out above, assuming a similar frequency and duration of sickness, California could finance a program identical with that provided by the Rhode Island law. However, the program recommended by your committee excludes several of the very high cost items which are found under the Rhode Island Cash Sickness Act and would reduce the total cost of such a plan by at least 30 per cent.

<sup>1904</sup> The type of disqualification referred to is the common penalty imposed for reasons other than physical inability to work.

Primarily, Rhode Island has paid disability benefits even though the worker receives workmen's compensation. This factor increases materially the total liability against the Disability Fund. The actual per cent of cost to the Rhode Island fund which was attributable to this dual payment was not available,<sup>190b</sup> however it is known that in California there were 550,809 industrial injuries during 1943 within the scope of the Workmen's Compensation Act and of this total 150,148 were disabled for one day or more.<sup>191</sup> It is the recommendation of the committee that no disability benefits be paid in such cases where workmen's compensation is received.

Secondly, the Rhode Island law provides for sickness benefits in maternity cases. This alone accounted for 17 per cent of the total benefit payments from the Rhode Island Fund and was the most expensive item for which benefits were paid. Your committee recommends that such cases should not be included in a program designed to provide against the wage loss sustained by those individuals involuntarily unemployed because of disability.

Thirdly, the Rhode Island law provides for only one calendar week waiting period during the entire benefit year. Under this calendar week waiting period an individual who becomes disabled in the middle of the week can qualify for benefits within a period as short as five days.<sup>192</sup> However, after this waiting period has been served, there is no waiting period for any subsequent spells of sickness which may occur during that benefit year. The significance of such a provision in terms of cost may be appreciated from nation-wide frequency figures which show about 600 out of 1,000 persons in the labor force are disabled for one day or more in the course of a year, while only 200 out of 1,000 are disabled for a week or more.<sup>193</sup> An analysis of the experience with voluntary group insurance in one of California's aircraft plants indicates an average decrease of 40 per cent in frequency of claims after changing from a three-day waiting period to a seven-day waiting period. Your com-

<sup>190a</sup> An indication of the high cost of duplicate payments in Rhode Island appears on pages 15-17 of the Ninth Annual Report (1944) Rhode Island Unemployment Compensation Board.

<sup>191</sup> From the Division of Labor Statistics and Law Enforcement of the State Department of Industrial Relations. On the basis of industrial injuries reported to the Industrial Accident Commission, the Department of Industrial Relations has issued the following table:

California, 1939-1943						
	Industrial injuries	1939	1940	1941	1942	1943
Total	-----	306,827	344,350	450,793	497,997	550,809
Disabling <sup>a</sup>	-----	77,431	85,579	113,648	131,615	152,698
Temporarily disabling	-----	76,147	84,055	111,809	129,364	150,148
Permanently disabling	-----	823	988	1,204	1,580	1,852
Fatal	-----	461	536	635	671	698
Nondisabling <sup>b</sup>	-----	229,396	258,771	337,145	366,382	398,111

<sup>a</sup> Injuries in which the disabilities are serious enough to prevent the individuals from returning to work the day following the accident.

<sup>b</sup> Injuries requiring skilled medical treatment but not so disabling as to prevent the individuals from returning to work no later than the day following the accident.

Source: California Department of Industrial Relations, Industrial Accident Commission.

<sup>192</sup> The effect of this short waiting period is probably offset by the operation of Joint Regulation 13 and 14 which on the average would bring the waiting period up to a full week in most cases.

<sup>193</sup> See B. S. Saunders, Disability Insurance, a statement delivered on October 20, 1943, and published in the U. C. C. Quarterly of North Carolina (Spring, 1944) at page 51.

In respect to the duration of these spells of disability, it is estimated that from three-fourths to four-fifths of all disabilities lasting a day or more do not exceed seven days in duration. Mr. Saunders, who is Chief of the Division of Health and Disability Studies of the Social Security Board, further indicates the distribution of spells of disability lasting more than a week in 1940 to have approximately the following pattern:

	Spells of Disability
More than 1 week	1,000
More than 2 weeks	650
More than 3 months	100
More than 6 months	40
More than 12 months	25



mittee recommends a seven consecutive-day waiting period for each period of disability. This will rule out short-time disabilities without imposing a heavy financial burden on the worker and at the same time will reduce the cost of the program considerably.

Other safeguards which are recommended at this time by your committee would prohibit the payment of disability benefits while an individual is serving a disqualification, or after unemployment benefits have been exhausted. These provisions would not operate inequitably except perhaps in a few cases, and at the same time would discourage an attempt to allege sickness when unemployed and unable to obtain unemployment benefits for other reasons than physical inability to work, and would also prevent a heavy drain on the disability fund in times of high unemployment as has occurred under similar programs in other countries. Furthermore, it is recommended that the commission under certain circumstances be permitted to extend the waiting period if the solvency of the fund should become impaired.

During the year period while contributions are accumulating without any benefit payments, the commission will have an opportunity to carry on an intensive educational program. The cooperation of the medical profession on whom the primary responsibility will rest for making proper and honest certifications as to the mental or physical condition of the claimant is necessary for the successful operation of a disability insurance program. In most instances the examination of the doctor and his statement as to the fact of illness or injury will be a substantial factor in determining eligibility for disability benefits.

Your committee finds that the need for the payment of benefits to the person who is involuntarily unemployed because of sickness is greater than the need for benefits to the unemployed and healthy. An adequate program to meet this need can be provided for the people of the State of California on the limited basis set forth above.<sup>193a</sup>

#### SEASONAL EMPLOYMENT

The problem of seasonal employment under the California Unemployment Insurance Act, particularly in the canning industry, was suggested to the committee as a field of needed investigation at its first public hearing held in December of 1943.<sup>194</sup>

In approaching this question, your committee began with a general study to ascertain the exact scope of the seasonal employment problem in respect to unemployment insurance and the possible solutions available. The pattern followed in the course of the investigation and some of the findings made by the committee are presented herewith.

In California, fruit and vegetable canning, and to a large extent, sea food canning, are the most significant seasonal industries, although they are not the only ones whose employment may be characterized as seasonal.<sup>194a</sup> The payment of unemployment insurance benefits to workers in this industry has been cited as a large loophole which threatens

<sup>193a</sup> The effect of removing the 1% worker contribution from the Unemployment Fund is discussed in connection with "Worker Contributions" on pages 68-70, *supra*.

<sup>194</sup> Record of hearing before the Senate Interim Committee on Unemployment Insurance (December 14, 15, 1943), San Francisco, California, at pages 85-126.

<sup>194a</sup> Among the highly seasonal industries in California are: (1) Canning, dried fruits, and vegetables; (2) Canned sea food; (3) Beet sugar refining; (4) Lumber and mill products; (5) Textile mill products and allied industries. See "Seasonal Employment in California," California Department of Employment (January, 1939).



the solvency of the Unemployment Insurance Fund. Your committee wishes to point out that such statements are made without knowledge of the actual facts. The following information will reveal the extent of unemployment insurance activities in the canning industry and is fundamental in establishing a proper perspective for an intelligent and honest understanding of the specific problems involved in this industry.

(1) Pattern of Insured Employment in the Canning Industry <sup>105</sup>

**CALIFORNIA**  
**FRUIT, VEGETABLE, AND SEA FOOD CANNING**  
Workers in Subject Employment at the End of Month

	1940	1941	1942	1943	1944
January -----	17,400	21,000	21,300	23,600	29,300
February -----	17,000	18,400	20,100	21,100	25,400
March -----	20,200	20,300	21,800	23,400	27,700
April -----	25,200	28,900	27,200	29,100	36,000
May -----	25,900	26,300	24,000	25,700	30,600
June -----	38,000	35,800	27,600	31,800	38,700
July -----	41,800	54,400	43,800	61,800	66,200
August -----	65,000	80,300	85,400	83,800	84,000
September -----	45,300	64,200	63,900	60,900	72,200
October -----	39,000	52,400	53,000	51,000	*56,000
November -----	28,200	35,900	31,100	34,400	*40,000
December -----	19,200	22,200	26,200	28,600	*34,000

\* Estimate.

From the foregoing figures it is seen that a considerable amount of the employment in the canning industry is not seasonal in nature and exists throughout the year. However, there is a definite seasonal period of increased employment in the canning industry in the late summer months which reached a peak in the month of August, 1944, of 84,000 workers. The lowest employment occurs, generally, in the month of February, and in 1944 there were approximately 25,000 workers employed at the end of that month. However, the total number of workers engaged in canning throughout the year is much greater than the number employed at the end of any particular month. During the one-year period ending September 30, 1943, there were 148,000 individuals who had some earnings in canning employment subject to the Unemployment Insurance Act, although the largest number employed at the end of any month during this period was 83,800.

<sup>105</sup> Insured employment data in this industry (203) from Department of Employment.

(2) Number of Cannery Workers Receiving Unemployment Insurance Benefits<sup>196</sup>

**CALIFORNIA  
FRUIT, VEGETABLE AND SEA FOOD CANNING  
INSURED EMPLOYMENT**

	Year Ending September 30, 1943	Calendar Year 1944
1. No. of workers with some earnings -----	148,000	
2. No. of workers with less than \$300 earnings_	92,000	
3. No. of workers with more than \$300 earnings	56,000	
4. No. of workers who filed claims for benefits_	*15,557	15,412
5. No. of workers who received benefit pay- ments -----	*13,730	13,280

\* Calendar year 1943.

From the foregoing it will be seen that 62 per cent of those employed in the canning industry during 1943 earned less than \$300 and were therefore ineligible for benefits. On the basis of a study made by the Department of Employment for the year 1939 it was found that 83 per cent of those engaged in the canning industry earned less than \$300.<sup>197</sup> Of the total 56,000 who earned more than \$300 during 1943 and were eligible for benefits, 15,500, or less than 28 per cent filed a claim for benefits and approximately 24 per cent actually received benefits. It is apparent that not all cannery workers earning more than \$300 file a claim for and receive unemployment benefits.

## (3) Amount of Money Paid Out From the Unemployment Fund Compared With the Amount Collected in the Canning Industry

CALENDAR YEAR			FISCAL YEAR <sup>200</sup>		
	Paid In <sup>198</sup>	Paid Out <sup>199</sup>	Year End June 30	Paid In	Paid Out
1940	\$1,387,000	n.a.*	1940	n.a.*	n.a.*
1941	1,678,000	3,100,000	1940	n.a.*	n.a.*
1942	2,396,897	4,200,000	1942	1,474,185	4,306,953
1943	2,491,000	2,267,216	1943	2,445,755	2,225,744
1944	n.a.*	2,457,656			

\* Data not available.

With the fund balance at the present time of about \$650,000,000, and an annual income to the fund during 1944 of nearly \$180,000,000, it is apparent that benefit payments to cannery workers does not present any possibility of bankrupting the Unemployment Insurance Fund.

After obtaining an accurate picture of the general conditions in the canning industry as a whole, it was recognized that the cannery worker problem from an over-all view of its effect on the solvency of the fund

<sup>196</sup> Letter to committee from the Department of Employment (March 20, 1945).<sup>197</sup> See Report 347 # 1 prepared by the Department of Employment based on 10 representative firms covering 9,339 workers in 22 establishments.<sup>198</sup> Includes both employer and employee contributions. Figures for 1940, 1941 and 1943 estimated on basis of total taxable pay rolls in the industry.<sup>199</sup> The Department of Employment does not have a breakdown of this industry (203) for years prior to 1942. The 1941 figure is a rough estimate on the basis of fragmentary data available.<sup>200</sup> These amounts are from Reports 515 #1 and 515 #2 prepared by the Department of Employment. Both worker and employer contributions are included.

has been greatly exaggerated and the actual problem is restricted to about 15,000 to 20,000 workers, some of whom receive benefits during the off season when it is highly questionable whether or not they are in the labor market and willing to work. With this background and a clear picture of the extent and scope of the cannery worker problem in California, your committee carried on a comprehensive investigation and detailed study of seasonal employment with particular emphasis on specific areas and individual problems. The name and address of all fruit and vegetable cannery operators in this State was obtained from various sources. A questionnaire was sent to over 120 cannery operators in this State in which the following questions were asked.

1. Name and address of firm.
2. Type of canning.
3. Maximum number of workers and the particular month in each year. Minimum number of workers.
4. How many workers during year 1943 employed longer than nine months? Longer than six months? Longer than three months? Less than three months?
5. Estimated individual wage received by those working less than three months.
6. What percentage of workers are women for 1940? for 1941? for 1942? for 1943?
7. What percentage of workers are skilled?
8. What percentage of workers are ordinary unskilled laborers?
9. How many of your workers draw unemployment benefits some time during the year?
10. Do you feel that payment of insurance benefits during off-season is necessary in maintaining your labor supply?

The cooperation from the employers in returning the data requested was excellent. It should be pointed out that the Cannery League advised its members to answer question No. 10 in the negative for the reason that it might discourage a complete investigation of the problem.

The actual employment pattern of each individual cannery operator in this State was then obtained from the records of the Department of Employment and information was also secured from the War Manpower Commission. From this data a more accurate appraisal of the actual conditions in each area was made possible.

A public hearing was held in San Jose and devoted entirely to the cannery problem.<sup>201</sup> It was found that the chief concern of the canning industry is the practical one of taxation. It is not only the fact that no merit rating is obtained by firms in the canning industry, but the fear of an additional tax to offset the high unemployment insurance risk which this industry presents.<sup>202</sup> It is apparent that if merit rating is to rest on the stabilization of employment, this industry can hardly expect to obtain a reduced tax rate, although the failure to provide year-round employment may be beyond the control of the individual employer to a greater extent in this industry than it is in others. Apart

<sup>201</sup> May 10, 11, 1944, Civic Auditorium, San Jose, California.

<sup>202</sup> This would be pursuant to Section 43 of the Unemployment Insurance Act. However, the statistical records of the Department of Employment prior to 1942 are not adequate to justify any conclusion as to the specific cost of the industry. Subsequent actual data shows that the reserve balance of all fruit, vegetable and seafoods canning and preserving to be as follows:

1941 (July 31)	1942 (July 31)	1943 (July 31)
—\$6,484,945	—\$8,726,877	—\$9,260,736

These negative balances only refer to employer contributions and do not include any worker contributions. It should be pointed out that this industry has the largest negative reserve balance.

However, only four out of a total of about 71 industry classifications had a negative reserve balance as of July 31, 1943. These four include the classifications of (1) agriculture, forestry and fishing; (2) vegetable, fruit and seafoods canning and preserving; (3) sugar, (4) and lumber and timber products. If worker contributions are considered, only two of these industries have not paid their way. At present, however, all four are paying more in contributions than the benefit payments made their employees.

from this primary concern of taxation, a serious problem was brought to the attention of the Committee with respect to the practice of some cannery workers in many of the areas of this State who have received benefits during the off season when in fact they were not available for work. Another situation which developed from the hearing was in connection with those cannery workers who leave work during the season after having earned sufficient wages to qualify for benefits and then wait until after the season is over and no work is available to file a claim. It was pointed out however that these cases were not numerous and the payment of benefits to such workers was opposed by both the employers and union representatives.

Following this hearing, various canning areas throughout the State were contacted in order to obtain a first-hand picture of the actual conditions and the other employment opportunities in the locality. The local office of the Department of Employment in each area was visited.

It was found that fruit and vegetable canning in California is definitely restricted to certain areas and whatever problems arise can properly be classified as an area problem localized chiefly in the vicinities of Marysville, Sacramento, Stockton, Oakland, San Jose, Modesto and Fresno. Your committee would have desired to investigate further several of these districts if limitations of time and funds had not intervened. In addition to the difficulties of transportation, the committee's efforts have been delayed and impeded by the refusal of certain employees of the Department of Employment to make the necessary records readily available. The committee endeavored to secure the names of claimants drawing benefits during the off season in order to find exactly how many cannery workers in the particular area earn \$300 or \$400 and file a claim exhausting all of their unemployment benefits each year. It is clear that the great majority of the cannery workers who are paid unemployment benefits are women. An analysis of claimants in the various areas reveals that 90 per cent of the cannery workers filing claims for benefits are women. On the basis of the evidence obtained from the questionnaire sent to the cannery operators, it may be stated that an average of about 70 per cent of all cannery workers employed in this State are women, most of whom are married and are housewives.

The following information has been obtained with respect to those workers in the major canning areas of this State who have actually received unemployment insurance benefits.<sup>203</sup>

#### Sacramento Area

(Based on an analysis of 30 per cent of all the cannery workers from the Sacramento area who actually filed a claim for unemployment benefits during the year 1943 and involves 557 individual cases.)

1. *Nature of Claimants*—In terms of sex it was found that of these cannery workers who filed a claim for benefits 10 per cent were men and 90 per cent were women. In respect to age it was revealed that 54 per cent were 50 years of age or over while 46 per cent were under 50 years of age.
2. *Amount of Annual Earnings*—The total amount of earnings of 557 cannery workers during the year was \$411,334.66 or an average of \$739 per worker. A breakdown of the amount of wages earned shows that 18 per cent (98) earned more than \$1,000 per year; 51 per cent (284) earned more than \$700 per year; 76 per cent (423) earned more than \$500 per year; and 24 per cent (134) earned less than \$500 per year.

<sup>203</sup> The following analyses and breakdown was made by the committee on the basis of information obtained from the Department of Employment on 2,898 actual cases in which benefits had been paid.



3. *Amount of Unemployment Benefits Received*<sup>204</sup>—Further analysis of these workers who filed a claim for unemployment benefits reveals that 5 per cent did not draw any benefits whatsoever. The remaining 95 per cent of the claimants received a total of \$50,296 in benefits or an average of \$161 per claimant. Of these workers who actually received unemployment benefits, 33 per cent exhausted their entire benefit award while 66 per cent did not draw all of the benefits payable to them. The average benefit award to the cannery workers in this area who received some benefits during the year was \$250 per claimant.

#### San Jose Area

(Based on an analysis of 30 per cent of all the cannery workers from the San Jose area who actually filed a claim for unemployment benefits during the year 1943 and involves 1,806 individual cases.)

1. *Nature of Claimants*—In terms of sex it was found that of these cannery workers who filed a claim for benefits 8 per cent were men and 92 per cent were women. In respect to age it was revealed that 27 per cent were 50 years of age or over while 73 per cent were under 50 years of age.
2. *Amount of Annual Earnings*—The total amount of earnings of 1,806 cannery workers during the year was \$1,057,704.58 or an average of \$586 per worker. A breakdown of the amount of wages earned shows that 5 per cent (103) earned more than \$1,000 per year; 24 per cent (451) earned more than \$700 per year; 57 per cent (1,021) earned more than \$500 per year; and 43 per cent (785) earned less than \$500 per year.
3. *Amount of Unemployment Benefits Received*<sup>205</sup>—Further analysis of these workers who filed a claim for unemployment benefits reveals that 6 per cent did not draw any benefit whatsoever. The remaining 94 per cent of the claimants received a total of \$293,330 in benefits or an average of \$190 per claimant. Of these workers who actually received unemployment benefits, 60 per cent exhausted their entire benefit award while 40 per cent did not draw all of the benefits payable to them. The average benefit award to the cannery workers in this area who received some benefits during the year was \$241 per claimant.

#### Modesto Area

(Based on an analysis of 30 per cent of all the cannery workers from the Modesto area who actually filed a claim for unemployment benefits during the year 1943 and involves 431 individual cases.)

1. *Nature of Claimants*—In terms of sex it was found that of these cannery workers who filed a claim for benefits 10 per cent were men and 90 per cent were women. In respect to age it was revealed that 32 per cent were 50 years of age or over while 68 per cent were under 50 years of age.
2. *Amount of Annual Earnings*—The total amount of earnings of 431 cannery workers during the year was \$240,420.55 or an average of \$558 per worker. A breakdown of the amount of wages earned shows that 3 per cent (13) earned more than \$1,000 per year; 20 per cent (87) earned more than \$700 per year; 51 per cent (222) earned more than \$500 per year; and 49 per cent (209) earned less than \$500 per year.
3. *Amount of Unemployment Benefits Received*<sup>206</sup>—Further analysis of these workers who filed a claim for unemployment benefits reveals that approximately 4 per cent did not draw any benefits whatsoever. The remaining 96 per cent of the claimants received a total of \$44,727 in benefits or an average of \$147 per claimant. Of these workers who actually received unemployment benefits, 48 per cent exhausted their entire benefit award while 52 per cent did not draw all of the benefits payable to them. The average benefit award to the cannery workers in this area who received some benefits during the year was \$200 per claimant.

#### Marysville Area

(Based on an analysis of 30 per cent of all the cannery workers from the Marysville area who actually filed a claim for unemployment benefits during the year 1943 and involves 36 individual cases.)

1. *Nature of Claimants*—In terms of sex it was found that of these cannery workers who filed a claim for benefits 11 per cent were men and 89 per cent were women. In respect to age it was revealed that 37 per cent were 50 years of age or over while 63 per cent were under 50 years of age.
2. *Amount of Annual Earnings*—The total amount of earnings of 36 cannery workers during the year was \$19,157.40 or an average of \$532 per worker. A

<sup>204</sup> Because the records supplied by the department were not complete in all cases, it was necessary to exclude those cases and for this reason the sample was reduced approximately 10 per cent in making the computation. Thus about a 20 per cent sample was the basis used in determining the benefits received.

<sup>205</sup> *Ibid.*

<sup>206</sup> *Ibid.*

breakdown of the amount of wages earned shows that 6 per cent (2) earned more than \$1,000 per year; 11 per cent (4) earned more than \$700 per year; 30 per cent (11) earned more than \$500 per year; and 70 per cent (25) earned less than \$500 per year.

3. *Amount of Unemployment Benefits Received*<sup>207</sup>—Further analysis of these workers who filed a claim for unemployment benefits reveals that 4 per cent did not draw any benefits whatsoever. The remaining 96 per cent of the claimants received a total of \$4,090 in benefits or an average of \$164 per claimant. Of these workers who actually received unemployment benefits, 56 per cent exhausted their entire benefit award while 44 per cent did not draw all of the benefits payable to them. The average benefits award to the cannery workers in this area who received some benefits during the year was \$200 per claimant.

#### Oakland Area

(Based on an analysis of 68 cases, the actual number of cannery workers who filed a claim for benefits through the Oakland office during the first week of February 1944.)

1. *Nature of Claimants*—In terms of sex, it was found that of these cannery workers who filed a claim for benefits, 99 per cent (67) were women. The age of the claimants was not available.
2. *Amount of Earnings*—The total amount of earnings of these 68 individuals during a year was \$63,634.01 or an average of \$936 per claimant. A breakdown of the amount of earnings shows that 35 per cent (24) earned more than \$1,000 per year; 60 per cent (40) earned more than \$750 per year; 96 per cent (65) earned more than \$500 per year and the remaining 4 per cent (3) earned less than \$500 per year. It was found that 57 per cent (39) of these cannery workers were employed by two or more employers during the year while the remaining 43 per cent (29) were employed by one employer.
3. *Amount of Unemployment Benefits Received*—As of July 31, 1944, these 68 claimants received a total of \$12,483 in benefits or an average of \$151 per claimant. Of these workers, 26 per cent exhausted their entire benefit award while 74 per cent did not draw all of the benefits payable to them. The average award was \$336.

In approaching a solution to the seasonal employment problem, your committee has considered at least five different methods of approach, namely,

- (1) A legislative provision on seasonal employment restricting benefits to the particular seasonal period.
- (2) Exclusion of all cannery workers from coverage.
- (3) Encourage development of other employment to supplement the seasonal industry so that the seasonal worker cannot exist.
- (4) Increase contributions from seasonal employers who are unable to provide year round employment.
- (5) Proper application and administration of the eligibility provisions of the existing law.

In reference to the legislative solution, a study was made of the seasonal provisions in the laws of all other jurisdictions and a communication was addressed to each of the 23 States having seasonal legislation. In general the reaction of most States was that "the administration of this type of legislation was practically impossible."<sup>208</sup> A brief digest of the seasonal provisions which are still found in 25 jurisdictions appears in Appendix J of this report. After making a careful study of this approach to the problem of seasonal employment, it is the opinion of your committee that the usual type of seasonal legislation found in

<sup>207</sup> Ibid.

<sup>208</sup> Letter to the committee from the Massachusetts Agency (January 19, 1944). Nearly all States suggested that seasonal legislation is perhaps sound in theory but difficult and impossible of administration. The committee wishes to point out that detailed and informative letters were received from the various States and in several instances copies of confidential and public reports on seasonal employment were enclosed. The cooperation extended has been gratefully acknowledged.

many States creates more evils than it cures and presents serious administrative difficulties. Each seasonal industry must be segregated and classified, and each individual claimant must be found to be a seasonal worker. To determine the case of a worker who is engaged in non-covered employment during the off season has been a serious problem. In view of the information obtained by your committee, specific seasonal legislation is not recommended as a desirable amendment to the Unemployment Insurance Act.

The exclusion from coverage as a solution to the seasonal employment problem has been suggested at various times on the basis that seasonal workers were never intended to be covered by unemployment insurance. In excluding seasonal workers, however, there is the important question of determining who is a seasonal worker and in which case the seasonal pattern of prior employment is a matter of choice or a matter of circumstances beyond the control of the worker.

As observed above, over 60 per cent of the workers who are engaged in cannery work today are excluded from coverage on the basis of the \$300 minimum earnings requirement, although they are required to contribute to the unemployment insurance fund. It would appear that if a higher earnings requirement were required so that about 90 per cent rather than 60 per cent of all cannery workers are ineligible to qualify for benefits, some provisions should be made whereby the tax imposed on such workers is removed. To exclude the canning industry entirely from coverage under the Unemployment Insurance Act rather than preclude the payment of benefits to cannery workers would require that industry to pay the full three per cent Federal pay roll tax to the United States Treasury with no benefit to the California Fund. There is obviously little merit to this approach.

Perhaps the most satisfactory solution is found in the development of other employment to supplement the seasonal industry. However, the extent to which State Government may indulge in such undertakings is somewhat problematical. The commission, under Sections 43 and 91 of the act, in an attempt to "stabilize employment" is authorized to take action along this line. However, nothing has been done by the present commission in this respect. It should be pointed out that a number of canneries throughout the State have extended their operations, and by the development of dehydration and frozen foods, almost year round employment has been provided in certain areas of the State.

Provision is made under Section 43 of the Unemployment Insurance Act for the investigation by the commission of the unemployment hazards in various industries and occupations showing an excessive cost to the fund. It further provides for recommendation to the Legislature of a "higher tax rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic." In this respect it should be pointed out that the commission has taken no action, yet there is no doubt that the canning industry provides unstabilized employment which may be characterized as "excessive and chronic" and shows a proportionately high cost to the fund.<sup>209</sup> Whether the canning industry itself should be charged with the solution of its problem is a debatable question, although such an

<sup>209</sup> When considered in the light of worker contributions the cost in more recent years has not actually been excessive. See Note 202, *supra*.



approach would seem to be within the contemplation of Section 43 of the act. It should be pointed out, however, that the seasonal nature of the work which creates the high unemployment insurance risk is inherent in the industry and is attributable chiefly to natural conditions beyond the control of the employer. At the same time, the fact that an employer has no control over the amount of employment within the industry is not peculiar to the canning industry alone. As a matter of fact the entire Unemployment Insurance System is predicated on the theory that fluctuations in employment are determined by conditions beyond the control of the individual industry or employer, since if such were not the case, an unemployment insurance program would be unnecessary. The Chairman of your committee wishes to point out that the fundamental problem is one of allocating the cost of unemployment insurance and Section 43 of the Unemployment Insurance Act relates to this phase of the law and embraces the concept of industrial unemployment insurance whereby each industry is charged with the cost of unemployment resulting from its operations. The entire question has been considered under the discussion of merit rating which involves this very same issue of the soundness of the existing method of taxation.

It is the opinion of your committee that the best solution to the problem of seasonal employment is found in the proper application and administration of the eligibility provision of the unemployment insurance law and a possible amendment to these provisions.

The fruit and vegetable canning problem in respect to unemployment insurance is not essentially different from any other. It is basically a question of determining whether the claimant is available for work and requires proper enforcement of the law by investigation of the cases where the availability of the claimant is dubious, as well as the proper education of the workers with respect to their rights and obligations under the law. Your committee feels that a proper application of the availability requirement to cannery workers may be accomplished through two different methods.

One involves enacting legislation imposing more severe and stringent tests of availability. The only difficulty encountered is that every determination rests fundamentally on a factual basis. Unless properly trained personnel is to administer the law, such a proposal will only serve to allow more guessing as to the facts concerning eligibility and more arbitrary decisions than now exist. In making this recommendation it is not intended to increase the present wage qualifications and in fact exclude all cannery workers from unemployment insurance benefits. The underlying purpose of such a proposal is to exclude only those workers who do not wish to work during the off season. The majority of the members of your committee recommend such legislation.

The other approach is to emphasize the enforcement phase of the law by permitting a determination on the basis of whatever facts are developed at the hearing. However, where there is doubt as to the veracity of the statements made by the claimant or uncertainty as to the claimant's availability for work, rather than merely acknowledge that condition as seems to be the case today, an investigation should be made to ascertain whether or not the statements made by the claimant are true. A field investigation would produce the facts necessary for the claims examiner to impose the penalty provided by law on those



who obtain benefits in violation of the act. The chairman of the committee recommends that a proper enforcement of the present law in this respect is an adequate solution and does not entail legislation which may injure many honest workers in attempting to curb the wrongs of the few who are dishonest. However, the effectiveness of either approach to the problem places the entire responsibility upon the administrative agency.

While your committee wishes to emphasize that the many individual cases of abuse and violation of the existing law by cannery workers are flagrant and should be definitely penalized and prevented, nevertheless in considering the question of seasonal employment the magnitude and extent of the problem should be kept in mind. This requires a consideration of the number of workers in the canning industry who are not seasonal workers, the number of seasonal workers who are unable to qualify for benefits and are ineligible under the present law, and the number of seasonal workers engaged in other employment during the off season.

#### WAR RISK CONTRIBUTIONS

In the preliminary report submitted by your committee on June 15, 1944, attention was directed to war risk contributions in connection with the study of the solvency of the unemployment insurance fund. The desirability of imposing an additional tax or at least the suspension of merit rating with respect to large war industries with expanded pay rolls was suggested and it was recommended that consideration should be given to the enactment of war risk contributions in California. The reason for this conclusion was primarily on the "equitable basis of fairness to the permanent employers of this State in distributing the cost of post war unemployment as well as an added precaution against increased taxes after the war, possible insolvency of the fund under adverse employment conditions, and federalization of the unemployment insurance law."<sup>210</sup>

It has become apparent at this time that war risk contributions whether in the form of an additional tax or the suspension of merit rating must rest more on the theory of equity than the theory of solvency of the fund. In recommending the suspension of merit rating for a two-year period for those industries whose operations are largely expanded because of the war, it is recognized by your committee that this is necessary because of the principle of merit rating which exists in the California Law. The operation of merit rating is such that in times of high employment there is a low tax imposed, while in times of low employment a higher tax rate is required.

Although there have been statements made that the war risk industries are paying the standard rate of 2.7 per cent today and there is no need for suspending merit rating at this time for this particular group, your committee wishes to point out that such is not the case. As indicated in the preliminary report in June of 1944 these war industries would receive large tax reductions under the operation of merit rating while they are the very industries from which the large postwar liability will

<sup>210</sup> Preliminary Report of the Senate Interim Committee on Unemployment Insurance to the Senate, California Legislature, Fifty-fifth Session, 1943 (June 15, 1944), p. 17.

come. For the benefit of those who have considered the conclusion reached by the committee last year to be unfounded, the following information is presented.

The actual records of three of the largest aircraft companies and four of the largest shipbuilding companies in this State show that the tax rate when averaged for 1945 has fallen to .5 per cent below the standard rate of 2.7 per cent. The total State unemployment insurance taxes for these seven companies will be \$1,500,000 less in 1945 than the amount collected in 1944 if the same pay rolls are maintained this year. On the basis of 1944 pay rolls, merit rating will save these seven companies \$4,500,000 in taxes during 1945. In 1944 they saved about \$3,000,000 in contributions because of merit rating. The significance of this tax reduction which was pointed out by your committee last year may be observed from the following:

#### TAX RATE OF SEVEN LARGE WAR INDUSTRIES

Employer	1944	1945
A -----	2. %	2.5%
B -----	2.5	2.5
C -----	2.7	2.5
D -----	2.7	1.5
E -----	2.5	2.5
F -----	2.7	1.5
G -----	2.	2.7
<b>Average</b> -----	<b>2.4%</b>	<b>2.2%</b>

It could hardly be said that the merit rating received by these war industry firms reflects stabilization of employment through the efforts of the employer. The tax rate for employer "D" decreased from 2.7 per cent to 1.5 per cent, and the tax rate for employer "F" decreased from 2.7 per cent to 1.5 per cent between 1944 and 1945. Nevertheless, the following end of month employment figures for these two firms certainly does not reflect stabilized employment which may justify such a sudden change in tax rate.

#### EMPLOYER "D"

	1941	1942	1943	1944
January -----	345	11,754	57,831	58,366
February -----	861	11,753	62,153	57,004
March -----	1,162	14,746	62,380	55,298
April -----	1,389	16,875	55,849	50,874
May -----	2,466	18,669	59,321	48,826
June -----	4,692	21,061	60,485	45,081
July -----	5,264	51,700	60,705	47,181
August -----	6,509	63,000	59,553	46,962
September -----	7,595	65,500	62,640	46,279
October -----	8,684	55,197	59,121	46,048
November -----	10,262	57,235	59,030	45,952
December -----	12,578	57,651	61,761	45,055

**EMPLOYER "F"**

	1941	1942	1943	1944
January -----		19,100	40,173	37,414
February -----		21,910	41,005	37,074
March -----		28,200	40,345	35,891
April -----		33,235	41,000	35,226
May -----		38,332	41,005	34,517
June -----	2,794	40,350	41,000	34,106
July -----	4,888	39,208	41,290	34,412
August -----	7,906	35,603	42,099	34,122
September -----	8,500	37,261	40,723	34,777
October -----	11,788	38,282	39,886	35,041
November -----	14,025	40,100	39,824	35,045
December -----	15,392	39,692	39,185	32,413

Despite the tremendous turn-over in employment, these two companies will have tax reductions of over \$3,000,000, if pay rolls in 1945 are the same as those in 1944. However, even with a decrease in pay roll, the tax saving will be tremendous. The employment pattern of the other four firms which have a reduced tax rate indicates even greater instability.

It is the opinion of your committee that if merit rating is to be retained in the law and there are to be no penalty rates imposed on those industries with a low reserve after the war, the suspension of merit rating for these definite war risk industries for the next two years is necessary.

The chairman of your committee wishes to point out that this entire situation whereby certain large war industries are granted a low tax rate at a time when they are able to pay and will have a maximum tax rate after the war when least able to afford a higher tax is one of the many inconsistencies of merit rating. If any tax reductions are to be extended, certainly they should be granted in times of low employment when economic conditions are depressed and not in times of high employment and a favorable economy. As a matter of sound tax legislation, no individual industry should be compelled to pay a higher individual tax rate for unemployment insurance than any other. The benefits derived from unemployment insurance taxation are enjoyed by all employers and other taxpayers of this State in the form of smaller appropriations and therefore lower taxes for direct relief. However, this concept of equal taxation is not consistent with the theory of merit rating which attempts to fasten the cost of unemployment which occurs because of general economic and industrial conditions under a private enterprise system to the former employer of the particular worker who happens to become unemployed. The Chairman therefore recommends suspension of merit rating for war industries solely on the condition that the inconsistent and illogical principle of merit rating remains a part of the law.

**ADEQUACY OF APPEALS DIVISION (LOCAL APPEALS TRIBUNALS)**

Under the California Unemployment Insurance Act, where an individual is denied a claim for benefits, an appeal may be taken from the original determination by the claims examiner to a referee and from the referee to the appeals board which is the final administrative remedy.<sup>211</sup> The claims examiner and the referee are public officials

<sup>211</sup> Sections 67 and 68 of the California Unemployment Insurance Act.

and under civil service or the merit system. The appeals board is composed of three non-civil service appointed officers who are nonpartisan, at least in law.<sup>212</sup>

Under this appeals procedure there is no provision whereby labor and management are permitted to participate in the actual operation of the unemployment insurance program, and all stages of appeal are handled by full-time government officials.

After a careful study of the operation of the California law in this respect, your committee recommends that provision be made to have a representative of management and a representative of labor from the local area where the disputed cases arise serve together with a referee, acting in the capacity of chairman, as members of a local appeal tribunal. This three-man tribunal would replace the single referee system which is used today. There are several basic reasons for recommending this change in the law.

In the first instance, as pointed out in the preliminary report, there is danger of complete failure of the entire appellate procedure if the number of cases on appeal increases substantially after the war, as may be reasonably expected. It was revealed in the preliminary report that during the first months of 1944 the Appeals Board was having difficulty in rendering decisions within the 60-day period required by the 1943 amendment to the act.<sup>213</sup> At that time an analysis of benefit cases disclosed that from the time the claimant first filed an appeal until the final decision by the Appeals Board was issued or dated, from three to four and one-half months had expired.<sup>214</sup> Your committee made a similar analysis of 10 benefit cases during the first months of 1945 and the time involved appears as follows:

<i>Appeals Board Case No.</i>	<i>Date Claim Filed</i>	<i>Date of Appeal to Referee</i>	<i>Date of Referee's Decision</i>	<i>Date of Appeal to Appeals Board</i>	<i>Date of Decision by Appeals Board</i>	<i>Total Time, Months</i>
3605	8-22-44	8-30-44	10-20-44	10-22-44	12-20-44	4
3651	9-26-44	10- 2-44	11- 3-44	11- 9-44	1-16-45	3½
3684	10-26-44	11- 1-44	11-24-44	11-25-44	1-16-45	2½
3672	7-25-44	8- 1-44	11-14-44	11-23-44	1-23-45	6
3689	10-24-44	10-30-44	12- 1-44	12- 5-44	1-30-45	3
3676	9- 8-44	9-14-44	11-24-44	11-28-44	1-30-45	4½
3705	10-31-44	11- 2-44	12- 8-44	12-15-44	2- 2-45	3
	11-22-44	11-28-44				
3683	9-20-44	10- 9-44	11-22-44	11-30-44	2- 2-45	4
3680	10-26-44	10-30-44	11-24-44	11-30-44	2- 2-45	3
3708	9- 5-44	9-15-44	12-14-44	12-22-44	2- 9-45	5

It will be seen that the Appeals Board in rendering its decision has actually exceeded the 60-day statutory period in four cases. Furthermore, it is known that in several cases the date of the decision has been back

<sup>212</sup> The members of the Appeals Board serve alternating four-year terms. (Section 78 of the act.)

<sup>213</sup> Section 80 of the California Unemployment Insurance Act.

<sup>214</sup> The following table was submitted in the preliminary report and reveals the time that was consumed in completing the entire administrative appeals procedure of several cases decided during the first five months of 1944.

<i>Benefit decision case No.</i>	<i>Date of appeal to referee</i>	<i>Date of referee's decision</i>	<i>Date of appeal to appeals board</i>	<i>Date of decision by appeals board</i>	<i>Total time</i>
400-2280	8-23-43	10-28-43	11- 2-43	1- 4-44	4½ months
479-3021	11-16-43	12-22-43	12-28-43	2-14-44	3 months
512-2011	11- 8-43	12-17-43	12-27-43	2-25-44	4½ months
546-2097	12-13-43	1-17-44	1-27-44	3-27-44	3½ months
609-3200	12-30-43	2-16-44	3- 2-44	4-25-44	4 months
618-3184	1-13-44	2-21-44	3-28-44	4-27-44	3½ months
657-3224	2- 4-44	2-29-44	3-18-44	5-19-44	3½ months
673-3223	2-11-44	3- 2-44	3-17-44	5-23-44	3 months
685-3294	1- 7-44	3-15-44	3-29-44	5-24-44	4½ months



dated in order to comply with the statutory requirement. The total time for an appeal in some cases has increased rather than decreased during the past year and final decisions have taken as long as six months. Obviously benefits do not serve their proper purpose if granted such a long time after a claim has been filed, and the administrative appeals procedure has little practical value or justification in an unemployment insurance program unless the rights of an individual to benefits receive a more prompt decision. The solution to this problem is not found in curtailing the amount of time which is necessary for the Appeals Board to properly decide a disputed case, but rather in curtailing wherever possible, the number of cases which are appealed. On the basis of discussion with other State agencies which have tripartite tribunals at the first appeals level, your committee believes that the number of appeals to the Appeals Board will be decreased considerably and this serious condition which now exists can be, to a large extent, overcome. The number of benefit cases decided by the Appeals Board during 1943 was 1,306 and during 1944 was 763.<sup>215</sup> It should be pointed out that during 1944, 32 per cent of the cases decided by the referee against the claimant were further appealed to the Appeals Board, and 10 per cent of the benefit cases which were employer appeals and decided by the referee against the employer's interest, were taken to the Appeals Board. After the war when unemployment increases, the number of disputed claims will undoubtedly increase. With a similar percentage of appeals to the Appeals Board it is apparent that the time consumed in rendering decisions will be even more extended than at present. It is the opinion of your committee that with the members of labor and industry from the local area in which the case arises participating in the first appeal determination, this percentage of appeals to the Appeals Board can be greatly reduced, particularly in those cases in which all three members of the local tribunal concur in the decision.

In the second place, the participation of citizens from the local area in the unemployment insurance program has a tremendous educational value in developing a better understanding of the purpose and provisions of the law. One of the basic weaknesses in the operation of the present Unemployment Insurance Act is that the individuals directly affected are too far removed and divorced from the program. The participation by private citizens from the particular area who are close to the actual problems and conditions which exist will encourage the cooperation of the public that is necessary for successful administration of the unemployment insurance system in this State.

Thirdly, your committee believes that individual claimants who appear customarily before such a tribunal without the benefit of counsel will be more satisfied that a proper decision of their rights has been made where members from labor and management from that particular locality participate in the hearing. The majority of the individuals who file a claim for benefits are honest citizens concerned primarily with a fair and proper determination of whatever rights they have. The fact that laymen are members of a tribunal does not mean an improper interpretation or determination of the law will be made. The purpose of the

<sup>215</sup> See table which appears on page 37, *supra*.

chairman of such a tribunal is to make certain there is no misunderstanding by the lay members of the act itself. However, the problems of law involved in determinations are generally few. Basically it is a question of facts, and in most instances these facts relate to labor conditions in the particular area, the prevailing wages for a particular type of work, and the degree of hazard involved in certain jobs, all of which are best known by individuals who live in the particular area and are close to the local conditions. In any case, it is only where both the labor and industry members of a tribunal are in disagreement with the referee that the possibility of an improper interpretation of the law would be any greater than it is today. The right of appeal to the Appeals Board remains. During 1944 the Appeals Board reversed the decision of the referee in about 25 per cent of the cases. Whether the reversal by the Appeals Board was based on the referee's improper conclusion of law or improper conclusion of fact, or both, is not known.

Under such a system of local tri-partite tribunals, labor and management throughout the State are in a position to reflect the actual conditions and problems in the various areas which are of assistance in forming sound unemployment insurance policy. At the same time, the final determination by the higher appeals authority will remain non-partisan to the extent that it is under the law today and the labor and management representation will appear at only one intermediate stage of the appellate procedure. It should be pointed out that administrative review panels have been recently established by the commission in certain areas of the State on which two members of industry and two members of labor serve with an employee of the department to hear and decide cases before they are appealed to the referee.<sup>216</sup> Both labor and management in the particular localities favor such a program, and on the basis of the several hearings which the committee has had occasion to observe through its representative, these administrative review panels compare very favorably with the present non-partisan Appeals Board in soundness of judgment and sincerity of the members both with respect to the application of the law and the findings of fact.

Local appeal tribunals at the first appeal level with labor and management representation are found in the laws of about one-half the States today and the experience of those States contacted by the committee has been favorable.<sup>217</sup> Your committee believes that similar tribunals in the State of California would, in addition to decreasing the number of appeals, encourage the various local communities to take a greater interest in the administration of unemployment insurance in this State and develop a better understanding of the meaning and purpose of the law, and at the same time insure proper application and interpretation of the Unemployment Insurance Act.

#### TIME LIMITATION ON APPEALS (BENEFIT CASES)

Under the present Unemployment Insurance Act an individual whose claim for benefits is denied by the claims examiner in the local office has the right to appeal from this initial determination to a referee.<sup>218</sup> From the decision of the referee, further appeal may be taken to the Appeals

<sup>216</sup> This is purely a voluntary arrangement and no compensation is made for the services rendered.

<sup>217</sup> See Note 43, *supra*.

<sup>218</sup> Section 67 of the California Unemployment Insurance Act.

Board, which is the highest administrative remedy available.<sup>219</sup> Any further review requires an action or special proceedings in court. As a matter of fact, however, no benefit case has been taken to court by a claimant in this State.<sup>219a</sup>

In order to exercise the fundamental right of quasi-judicial review provided by the Unemployment Insurance Act, it is necessary to file an appeal from the initial determination by the claims examiner within seven days after notification, and the appeal from the decision of the referee to the Appeals Board must be taken within 10 days.

When your committee began its work it was found in attending the meetings of the Appeals Board and following the decisions of both the referees and the Appeals Board that in many instances cases were not decided on their merits for the reason that the original appeal was filed eight or 10 days after the initial determination, although testimony in the record indicated that the delay was occasioned by illness or other unavoidable circumstance. These cases were dismissed on the grounds that the Appeals Board was without jurisdiction to entertain an appeal which has been filed after seven days from the original determination, irrespective of the reason for the late appeal.<sup>220</sup> On making inquiry as to the soundness of this determination holding the Appeals Board to be without authority or jurisdiction to accept such an appeal, your committee received an opinion from the Department of Employment reversing its previous position in view of the permissive language used in Section 67 of the act. Thereafter the Appeals Board has held that an appeal to the referee filed after seven days is valid if good cause can be established by the claimant.<sup>221</sup> However, the 10-day limitation on an appeal from the referee to the Appeals Board found in Section 68 of the act is expressed in mandatory language and under the opinion of the Attorney General no appeal is valid if filed after the expiration of this short period, irrespective of the reason for failure to comply with the statute.<sup>222</sup> Many cases have been dismissed because of this provision of the law without a determination of the case on its merits.<sup>223</sup> It is recognized by the Appeals Board that this condition operates inequitably, and should be corrected.

The purpose of the appellate procedure is to permit a fair and impartial hearing of the rights of the claimant. The existing time limit of seven days for the first appeal and 10 days for the second appeal is extremely short. Unless provision is made for extension of time where good cause for the delay is shown, a procedural requirement designed to assist in the determination of substantive rights will operate to defeat its very purpose and preclude a hearing in many cases where circumstances beyond the control of the individual have prohibited filing an appeal within the brief period required by the present statute.

It is therefore recommended by your committee that provision be made to protect the right of appeal at both levels in cases where good cause is established. However, in order to give finality to the

<sup>219</sup> Sections 68 and 72 of the California Unemployment Insurance Act.

<sup>219a</sup> At the time of printing, a benefit case has been taken by a claimant in this State to the District Court of Appeal. This is apparently the first time a worker has had recourse to a judicial remedy in a benefit decision.

<sup>220</sup> Benefit Decisions 33, 36, 117, 286. (Unemployment Insurance Appeals Board.)

<sup>221</sup> Benefit Decisions 355, 385, 395, 600, 610. (Unemployment Insurance Appeals Board.)

<sup>222</sup> Ops. Cal. Atty. Gen. NS 5362 (April, 1944).

<sup>223</sup> Benefit Decisions 133, 351, 441, 452, 470, 480, 489, 519, 601, 664, 669, 672, 677, 929. (Unemployment Insurance Appeals Board.)



decision of the referee which automatically becomes the decision of the Appeals Board if no further appeal is taken, it is suggested no extension be granted after 30 days from the time notice of the decision by the referee is received.

#### PROMPT PAYMENT OF BENEFITS (Decentralized Benefit Payments)

The time consumed in making payment of unemployment insurance benefits to eligible workers residing in California has been reduced about one week by the recent adoption by the Department of Employment of a procedure whereby checks are paid through the local office. This system of decentralized payments is somewhat new in the field of unemployment insurance and California has been the first State to initiate the program.

Briefly, the operation of decentralized benefit payments may be described in the following manner. When a worker becomes unemployed and files a claim for benefits he must serve a two-week waiting period, reporting each week to the local office. At the end of the third week he becomes eligible for his first week of benefits. Under the old procedure a notice of the determination for benefits made by the local office at the end of the third week was mailed to the central office and on the basis of this information the central office prepared and mailed the check which reached the worker after the fourth or fifth week of unemployment. Under the new system of decentralized payments, the worker receives his check from the local office at the end of the third week immediately after certifying for his first week of benefits. On the basis of the information mailed to the central office, at the end of the second week of the waiting period, a blank check not to exceed \$20 with the name and Social Security number of the claimant is prepared and mailed to the local office. When the worker appears the following week and certifies for his first week of benefits, the check is filled out for the proper amount by a bonded employee of the department. If the worker gets a job during the week, the blank check remains in the file of the local office and no additional checks are written. In other words, the check is prepared in advance but is not signed and made until the claimant is found eligible for benefits.<sup>224</sup>

This system has been in effect for over eight months and apart from the irregular cases and difficulty with the mail service during the holiday season, the operation has been successful.<sup>225</sup> This procedure for prompt payment of benefits has not applied to out-of-state claims, however, and the long delay involved in such cases, as pointed out in the preliminary report, remains.<sup>226</sup> The problem of expediting benefit payments to workers who have moved to other States requires cooperative action on the part of the administrative agencies of the various States.

In order to meet the high claims load which is expected shortly after the war, a training program has been instituted by the Department of

<sup>224</sup> After a general survey of the operation of decentralized benefit payments, it was observed that the present system is actually protected against fraud by employees of the department to the same extent as the former system. Your committee believes that this new procedure has been a definite improvement in the law and a progressive step by the administrative agency for which it should be commended.

<sup>225</sup> Effective May 9, 1945, the Benefits Division of the Department of Employment will institute a new practice whereby four checks will be prepared and mailed to the local office at one time. This, it is suggested, will remove the difficulties encountered from delays in the mail service and improve the system.

<sup>226</sup> Effective May 9, 1945, the decentralized system of benefit payments will apply to out of State claims and permit a more prompt payment in such cases to the extent possible under the present procedures.



Employment whereby individuals may be employed on a temporary basis to assist in the various local offices where a large number of claims are expected. The department feels that the problem arising from large layoffs can be adequately handled; however, there is some question whether or not a proper application of the unemployment insurance law is possible under the conditions which are expected to prevail after the war, unless sufficient, trained personnel and adequate public employment facilities are made available.

## LAW ENFORCEMENT

A fundamental weakness in the application of unemployment insurance in California arises from the lack of proper enforcement of the law. Many of the problems which are cited as independent wrongs requiring legislative correction when traced to their source are found to be but the effects of this basic shortcoming in the administration of the present provisions of the act.

Your committee is convinced that the success of unemployment insurance in this State depends primarily on an effective and efficient law enforcement program which embraces both comprehensive education and public information as well as field investigation.

### (1) Education and Information

There are far too many of the two and one-half million workers in this State protected by unemployment insurance who are completely unaware of the nature of the protection afforded by the State law. In fact, many individuals have the impression that unemployment insurance is provided by Federal rather than by State law. This lack of knowledge is also prevalent among many of the 50,000 employers who are subject to the act. There is, for example, an impression among many employers that whenever a notice is received that a former employee has filed a claim, benefits are paid in every case, and the employer's account is immediately charged with the amount of the entire award.<sup>227</sup> The dissemination of information in simple, brief, and understandable language relating to the basic provisions of the act should be carried on continually utilizing all possible methods of conveying such information to the public. Your committee has found that in general the employers of the State are willing to cooperate fully in distributing information to their workmen through various channels, including company magazines. In view of the fact that high unemployment is expected, the proper time to instruct the workers on their benefit rights is at present and not after unemployment occurs. It is possible that the press throughout the state would assist in a unified educational program. Under the present law an employer is charged with furnishing the employees with whatever information is supplied by the Department of Employment.<sup>228</sup> It is recommended that the law be amended to require that this information be furnished to the worker when he becomes

<sup>227</sup> The committee received several communications from an employer in southern California who had received notices that former employees had filed claims for benefits and was vehemently critical of both the employment service and the Department of Employment. An investigation of all of the facts revealed that actually none of the workers who filed a claim received any benefits but were reemployed before the expiration of the waiting period. See Record of Hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944), Los Angeles, California, p. 185.

<sup>228</sup> Section 66 of the California Unemployment Insurance Act.

unemployed. However, such a provision in the law is of little practical significance if the department does not make such information available to the employer.

An effective educational and informational program is of great importance in the proper enforcement of the law, permitting segregation of those who are intentionally and knowingly violating the act. The worker is placed in a position to know what his rights are and determine whether or not he has a just claim. Furthermore an informed public will assist in policing the law. However, the real importance of an effective educational program in the enforcement of the law becomes apparent if coupled with an efficient investigating staff to ascertain the facts necessary for detection and prosecution of those who violate the act.

## (2) Field Investigation

No machinery has been established by the Department of Employment to investigate the facts surrounding individual cases throughout the State where benefits have been paid although the eligibility of the claimant remains dubious and uncertain. The failure to adequately police the law in this respect has created a general attitude that there is no harm in making false statements in order to obtain benefits. Your committee was informed by the claims examiner in a local office that in several instances he suspected claimants were working in nonsubject employment and at the same time filing a claim for benefits without reporting any earnings. On further inquiry, it was found that there was insufficient facts available before the claims examiner to justify any disqualification or the imposition of a penalty. However, the claims examiner had neither the time nor the facilities to make a field investigation himself to find out what the facts were. A special investigating staff to check such cases would present the examiner with the necessary facts to make a proper determination and recover any amount illegally paid as well as apply the penalty provisions of the law. Unless such enforcement is made in the various areas in the State and the importance of answering truthfully the questions of the examiner becomes apparent by prosecuting the unlawful cases, the law will continue to be abused by the dishonest individual and the entire program weakened to the injury of all workers, as well as the public. It must be recognized that a liberal law, such as unemployment insurance, requires strict enforcement in order to survive.

It is the opinion of your committee that an investigating staff and educational unit is a necessary part of the proper administration of the law and in view of the fact the commission has not created either a policing force or an adequate educational division under the authority vested in it by the Legislature, it is recommended these provisions be made a part of the law and that funds be made available for its administration in the event the Social Security Board does not consider the expense necessary for "proper and efficient administration."

## WARTIME EMPLOYMENT

An expected postwar employment condition which has come to the attention of your committee in reference to the administration of the Unemployment Insurance Act concerns the thousands of workers in this State, many of whom are women formerly occupied as housewives,

who have become employed in war industries with skilled qualifications and at high wages. The question involved is whether these individuals who have acquired wartime skills may rely on such training in a normal year and refuse other employment which is neither the same type of work nor equivalent in pay to their former war job.

Your committee made a thorough inquiry of this subject to ascertain whether or not a change in the law would be necessary to meet any problem of this nature which might arise after the war. It was found that the general rule which applies to all skills, whether temporary or permanent, followed by the Department of Employment requires a consideration of

- (1) The individual's "prior training"
- (2) The individual's "experience and prior earnings"; and
- (3) The individual's "prospects of securing work in a customary occupation."<sup>229</sup>

In the application of these three principles to an individual who has a temporary skill or even a permanent skill, it is seen that he cannot hold himself out for only skilled work if there are no prospects of securing that type of work in the community. In response to an inquiry made by the committee relative to this problem, the Chairman of the Employment Stabilization Commission pointed out that "The Appeals Board has in many cases sustained disqualifications in the case of shipyard and aircraft workers for refusal of suitable employment when the person insists on working within his most recently acquired skill and refuses to take a job in his old skill or in his usual 'occupation'."<sup>230</sup> Furthermore, testimony of a member of the commission given before a public hearing held by the committee revealed that this policy established by the Appeals Board was applied in the various local offices and that no change is needed in the present law to cope with the problem. An excerpt from the transcript appears as follows:<sup>231</sup>

MR. BRYANT

" \* \* \* On the question of suitable employment, one question was raised, Senator Judah, about broadening the base of classifications so as to take care of labor that might be available in a tight market such as now, instead of binding them down to the suitable law too closely. In answer to that, the law provides that the work must be suitable. I think the law tries to protect a worker's skill. A worker who has earned wage credits at a certain occupation has a right to try to secure work in that occupation and the administration of the program should give him every opportunity to preserve that skill and not depress a worker's skill. However, whenever the agency cannot find work in that particular skill and the worker has had an opportunity to try himself, or through his labor union, to find work in that skill and it is not available, then we would look to what is suitable work in related skills. But I think we must always keep in mind that we must preserve a skill to a reasonable extent and remember that a person who has spent years in developing a skill should be allowed to keep it. I don't think

<sup>229</sup> Benefit Decision 622 (Unemployment Insurance Appeals Board).

<sup>230</sup> Letter to the Committee from the Department of Employment (November 1, 1944).

<sup>231</sup> Record of Hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944), Los Angeles, California, pp. 117-121.



an unemployment insurance agency should force a person to accept a lesser skill until both the worker and the agency have had full opportunity to try to place him in that skill. That is our general policy.

SENATOR SHELLEY

"Have there been cases where the commission found a person was standing on his skill where the chance of practicing that skill has become less or may no longer exist — have they then required him to take employment in another occupation where he had had previous experience?"

MR. BRYANT

"Yes. Even in a lesser skill."

SENATOR SHELLEY

"Has that been the policy of the commission for some time; and is that the general policy in practically all States?"

MR. BRYANT

"Yes."

\* \* \* \* \*

SENATOR CUNNINGHAM

"Where does the question of skill come in? For instance I am an Oklahomian; I come here and get a job after a few weeks as a welder. I have been a farmer all my life. I learn to become a welder in a few weeks, and after a few weeks of working at that trade I quit. Am I a skilled worker?"

MR. BRYANT

"Not necessarily. We also consider the classification of a person before the war. If he can't get a job such as he has had in the war effort, we look to the job he had before the war and try to get him a job in that classification. It is suitable because it is part of his work history."

"There is another point I would like to make: Sometimes employers are confused when a claim is filed and think the person is drawing insurance. Many times the person does not draw benefits but is referred to a job which he takes and there are no benefits paid. But the employer, because he receives notice of the award, might assume that the amount of money is being paid, and perhaps the worker is working and has never drawn the award..."

It is apparent that the wartime riveter or welder will be required to accept employment which his experience prior to the war qualifies him to perform in order to be free from disqualification under the Unemployment Insurance Act. Your committee is convinced that the commission has ample authority under the existing provisions of the law to meet this postwar problem and no additional legislation is necessary.

#### EMPLOYMENT SERVICE

The public employment service maintained and operated by the State of California and financed by Federal funds was assumed on January 1, 1942 by the Federal Government as a part of a nation-wide war employ-



ment program. Since that time the War Manpower Commission has operated the United States Employment Service performing all the employment service functions in the State. Neither State nor Federal money has been made available for the purpose of operating a State service.

In order to obtain some of the facts surrounding the existing conditions, your committee has been compelled to penetrate much of the coloration which is nothing more than a specific expression of the well established political conflict in the United States over the line of demarcation which should be drawn between the activities of the State Government and the activities of the National Government. The assumption on a temporary basis by the Federal Government of this particular governmental function formerly exercised by the State has left a reaction which will undoubtedly continue burning below the surface until the rights of the State are restored.

Your committee has visited a large number of United States Employment Service offices throughout the State. Meetings have been held with officials of the War Manpower Commission and representatives of that Federal agency were called before a public hearing recently to explain the current changes in employment in southern California, and the practices followed by the United States Employment Service with respect to unemployment insurance.<sup>232</sup> Excerpts from this testimony appear in Appendix M of this report.

The primary objective of the War Manpower Commission has been to meet the employment needs of those industries classified as most essential for the effective prosecution of the war. Unemployment insurance considerations have only been incidental to this basic problem and therefor the operation of the employment service in many instances has been unfavorable when appraised in relation to unemployment insurance. It is fair to state that in some areas the United States Employment Service has worked satisfactorily in making job referrals for unemployment insurance purposes and in an effort to place workers has made referrals to many jobs which have been held unsuitable by the unemployment insurance representative. Unfortunately, in several instances your committee has found that the employees of the United States Employment Service, many of whom formerly were employees of the State Department of Employment, endeavor to perform unemployment insurance functions and to consider job placement only in respect to their opinion of the eligibility requirements for unemployment insurance benefits. This problem, however, is one arising from lack of proper training and has been corrected to a large extent.

In nearly every office visited by members of the committee or its representative, it was found that a close cooperation exists between the local officials of the United States Employment Service and the unemployment insurance representatives of the Department of Employment. Much of the criticism and friction reflected by the higher officials was not found in the individual local offices. In several offices your committee found that the United States Employment Service was actually reviewing every case in which claimants were receiving unemployment benefits for a period of more than four consecutive weeks and a special

<sup>232</sup> Record of Hearing before the Senate Interim Committee on Unemployment Insurance (November 13, 14, 1944), Los Angeles, California, pp. 82-100, 189-203. See Appendix M-III.

effort was made to refer these particular individuals to jobs, in addition to the weekly offer or "exposure" of employment which is made to all claimants. This practice, however, has not been in effect throughout the State, particularly in those areas where applicants are numerous and jobs are limited.

Unfortunately there is a lack of coordination between the unemployment insurance and employment service activities in many local offices. Either on the ground of insufficient personnel, or improper management, the United States Employment Service in a number of localities has not operated satisfactorily and fails to meet the needs of an effective unemployment insurance program. Your committee is aware that to a large extent this condition may be attributable to the restrictions placed on the employment service by the Federal Government with respect to job referrals.<sup>232</sup>

It is the opinion of the committee that the employment service should be returned to State operation and control as soon as possible in order that it may be more adequately coordinated with the unemployment system and other work programs of the State. Furthermore, unemployment insurance and job placement are functions which must be under the same control in order to operate successfully and on a permanent basis. Unemployment insurance defeats its very purpose if benefits are paid when employment opportunities are available but through limitations of the employment service the individual cannot be offered such jobs. It is recognized that changing the name and administration of the employment service will not remove all of the evils which now exist nor bring about any significant improvement, unless there is a more adequate and trained personnel available to perform the special type of skilled work involved in job placement. Senate Joint Resolution No. 5 introduced on January 23, 1945 by your committee and adopted by the California Legislature was designed to memorialize Congress to return the administration and control of the employment service to the State of California at the earliest possible date.

#### INTERSTATE COOPERATION

As pointed out in the preliminary report, the question of interstate cooperation is one that goes to the very heart of the State system of unemployment insurance in the United States. After the war when unemployment insurance payments increase and workers in the exercise of their constitutional right resume their normal migration from one State to another, the States will be faced with the challenge of providing effective nation-wide unemployment insurance protection.

The interstate problems in unemployment insurance may be classified into three main groups relating to coverage, benefit payments, and tax collection.

The problems of interstate coverage do not generally involve a large number of workers, but present a striking case in which the State system fails to provide complete coverage. In those cases where workers perform services in several States during the year but earn insufficient wages in any one State, coverage may be extended by cooperation of the States in combining all wage credits wherever earned. Again certain workers travel from one State to another although employed by the same employer

<sup>232</sup> See excerpt from transcript in Appendix M-III.

at all times. It may be desirable for administrative purposes to allow one of the States to cover such an employer and his employees under a reciprocal coverage agreement. The administrative agency can determine what course of action to follow, so long as the Legislature makes certain the authority to enter into such arrangements as are necessary to meet the interstate problems in unemployment insurance coverage. Your committee recommends that the commission be authorized to enter into interstate arrangements for coverage purposes providing that it does not bring workers customarily working in California and residing in California under the law of another State.

In respect to benefit payments, the chief interstate problems relate to prompt payment of benefits and proper enforcement of the law. In order to penalize those individuals in this State who are drawing benefits illegally under the law of another State, it is recommended by your committee that provision be made in the California Law making the filing of a fraudulent claim in this State against any other State a misdemeanor.<sup>233</sup> Today it is almost impossible to prosecute individuals who file fraudulent claims against the California Fund while residing in another State.<sup>234</sup> It is hoped that by similar action on the part of other States and the effective enforcement of such provisions, the present condition may be improved. Under the existing law of this State there is authority for the commission to make interstate arrangements with respect to benefit payments. The development of an efficient and prompt method of paying interstate claims rests on the cooperative action of the various Unemployment Insurance Administrative Agencies. In respect to benefit payments, however, your committee suggests that further study should be made of the possibility of adopting uniform disqualification provisions at least as applied to interstate claims. Another problem relating more to the substantive provisions of the State laws than the procedural requirements for obtaining benefits arises from the wide variation in the amount of weekly benefits payable. Where a California worker goes to some of the other States in the Union, the weekly benefit amount which he is entitled to receive under the California Law is in many cases more than the prevailing wage for the type of work he customarily performs. At the same time, where a worker comes to California from such a State, the amount of benefits he is entitled to receive is insufficient to meet the higher cost of living in this State. There is merit to the suggestion that a worker receive the weekly benefit amount which is payable in the State in which he resides. However, the solution to the problem is not a simple one, requiring more study of its many ramifications. Perhaps a remedy can not be found in any type of cooperative State action.

The significance of interstate payments from the California fund should not be overlooked. As noted above on page 36 of this report, California paid 28,444 checks which amounted to \$530,473 in 1944 to out-of-State claimants. However, it is estimated that approximately 20 per cent of the postwar claims against California will be

<sup>233</sup> S. B. 1086 introduced by the committee provides in part as follows: "It shall be a misdemeanor for any person residing in this State to wilfully make a false statement or representation or knowingly fail to disclose a material fact to obtain or increase benefits or payments under the unemployment insurance law of any other State."

<sup>234</sup> This results primarily because of the established rule of conflict of laws that no State enforces the penal laws of another. Restatement of the Law of Conflict of Laws (Am. L. Inst.) sections 610 and 611; 3 Beale, Conflict of Laws (1935), section 611.1; Wisconsin v. Pelican Insurance Co., 127 U. S. 265; Huntington v. Attrill, 146 U. S. 657.



paid to individuals residing in other States. In view of these circumstances, California has a primary interest in interstate cooperation with respect to benefit payments.

In reference to interstate tax enforcement and collection, a serious situation exists today. Your committee has found that as of November 14, 1944, there were 247 employers who had moved to other States owing unemployment insurance taxes to California.<sup>235</sup> At the same time, 258 cases have been received from other States for collection in which the delinquent employer moved from another State to California. The only means of collecting contributions from such cases has been through voluntary payment. As pointed out in the preliminary report, in attempting to bring a court action there are legal as well as practical problems involved.<sup>236</sup> The legal question arising from the rule of conflict of laws with respect to revenue measures would probably not present a serious obstacle today.<sup>237</sup> However, there is a practical problem of finding a convenient method whereby an action to collect the tax may be instituted in the various States to which the delinquent employer has removed. This may be overcome through interstate cooperation and legislation. For example, the Attorney General of the State of Washington has recently consented to bring suit on behalf of California to collect money due this State from an employer who had moved to Washington.<sup>238</sup> In order that the Attorney General of California may reciprocate without any question of want of authority, and in an effort to encourage other States to adopt similar legislation to facilitate the enforcement and collection of unemployment insurance taxes, it is the recommendation of your committee that the Attorney General of California be authorized by statute to bring action in this State on behalf of and as agent for any other State to enforce judgments and obligations for unemployment insurance taxes which are due to other States, providing a like reciprocity is extended to the State of California.<sup>238a</sup>

<sup>235</sup> Letter to the Committee from the Department of Employment (November 14, 1944) reads in part as follows: "During 1943 and 1944 the Department has been requested to make collections for other States in 258 separate instances. I do not have a complete record of the number of accounts that have been referred to other States during these years, . . . but . . . there are at the present time 247 cases pending collection."

Letter to the Committee from the Department of Employment (September 8, 1944) reads in part as follows: "This reply to your letter of August 17 has been delayed while we were getting up-to-date information. At present there are 245 employers owing delinquent balances totaling \$110,023.02 who have left the State. In most cases where the whereabouts of the employer is known we are receiving cooperation from the agencies of the other States in attempting collection."

<sup>236</sup> The legal problem involved in enforcing a tax obligation in the courts of another State arises from the early rule of law which considered revenue laws like penal laws and therefore not enforceable by other States (State of Maryland v. Turner, 132 N. Y. S. 173; State of Colorado v. Harbeck, 232 N. Y. 71; Estate of Martin, 240 N. Y. S. 393; Moore v. Mitchell, 28 F. 2d 997, affirmed in 281 U. S. 18 on another ground; see 65 A. L. R. 1360; 3 Beale, Conflict of Laws (1935), section 610.2).

The practical problem of extra-state tax enforcement is in finding a convenient method of bringing suit in the various States throughout the United States to which the delinquent employer may have moved, without incurring the expense of a qualified traveling attorney.

<sup>237</sup> Milwaukee County v. M. E. White, (1935) 296 U. S. 18 (holding a tax judgment as distinguished from a tax obligation entitled to full faith and credit in all States); 28 Calif. L. Rev. 507; 46 Harv. L. Rev. 193; see also Cal. Poll. Code section 3671e.

<sup>238</sup> The committee was recently informed by the Department of Employment that the Attorney General of the State of Washington was successful in collecting by court action the tax obligation due to California from the employer who moved to that State.

<sup>238a</sup> The language of S. B. 1086 introduced by the Committee is as follows: "The Attorney General is authorized to commence action in this State as agent for and on behalf of any other State to enforce judgments and liabilities for unemployment insurance taxes or contributions due such other State which other State extends a like comity to this State."



## APPLICATION OF THE AVAILABILITY REQUIREMENT

In order to qualify for benefits under all State laws, a claimant must be "able to work and available for work".<sup>239</sup> This provision is a fundamental eligibility requirement in unemployment insurance. A worker who is not available for work is ineligible and disqualified from receiving unemployment benefits, although many individuals have the impression that the only significant grounds for disqualification are refusal of suitable employment, voluntarily quitting work, and discharge for misconduct. The facts show that during 1943 and 1944 there were more workers disqualified in California for not being available for work than for all three of the above named causes combined.<sup>240</sup>

Because of the importance of the availability provision in the administration of the unemployment insurance law, an effort has been made to ascertain just what "available for work" actually means and how it is applied. The purpose of the availability requirement is conceded to be to exclude those who are not in the labor market from receiving benefits. However, in reference to the term "available for work" it is necessary to keep in mind that it is more in the nature of a conclusion of law than a statement of fact. For this reason, to ask an unemployed worker or any individual who is not acquainted with the administrative interpretations of the unemployment insurance law, if he is available for work is practically meaningless. Nevertheless your committee has found that in local offices of the Department of Employment some of the claims examiners do just that and at the same time purport to be administering the unemployment insurance law. Although every claims examiner will conclude that the claimant is available for work or is not available for work, the manner in which this conclusion is reached will explain why the law is not properly administered. A claimant is frequently asked, "Are you available for work?" and the normal reply from any person who does not understand the refinements of the Unemployment Insurance Act would be "Yes, I guess so," and on the basis of such a statement it is determined that a worker is available for work. Such a procedure is improper administration for the following reason. In general, an individual is not "able to work and available for work" under the interpretation given by the Appeals Board to the Unemployment Insurance Act if such individual

- (1) is unwilling to accept work.<sup>241</sup>
- (2) is self-employed.<sup>242</sup>
- (3) is attending school.<sup>243</sup>
- (4) is on a vacation.<sup>244</sup>
- (5) limits wages acceptable to those above prevailing rates.<sup>245</sup>
- (6) restricts hours or conditions of work unreasonably.<sup>246</sup>
- (7) removes to an area where job opportunities are few.<sup>247</sup>

<sup>239</sup> Section 57 (c) of the California Unemployment Insurance Act.

<sup>240</sup> See table in Chapter III-C, *supra*.

<sup>241</sup> Benefit Decisions 291, 322, 511 (Unemployment Insurance Appeals Board).

<sup>242</sup> Benefit Decisions 336, 982 (Unemployment Insurance Appeals Board).

<sup>243</sup> Benefit Decisions 432, 972, 940; cf. Benefit Decision 752 (Unemployment Insurance Appeals Board).

<sup>244</sup> See note 241, *supra*.

<sup>245</sup> Benefit Decisions 740, 945 (Unemployment Insurance Appeals Board).

<sup>246</sup> Benefit Decision 503 (Unemployment Insurance Appeals Board).

<sup>247</sup> Benefit Decision 973 (Unemployment Insurance Appeals Board).

- (8) removes to an area where there are many jobs but none in his usual occupation.<sup>248</sup>
- (9) lacks transportation to work.<sup>249</sup>
- (10) refuses several offers of suitable employment.<sup>250</sup>
- (11) refuses to accept referrals to jobs.<sup>251</sup>
- (12) has domestic responsibilities restricting hours of work.<sup>252</sup>
- (13) is unable to work because of physical condition.<sup>253</sup>
- (14) is pregnant.<sup>254</sup>

The foregoing are some of the more important conditions which may render a claimant ineligible for benefits on the ground of not being available for work. There are two basic elements involved in determining availability for work. The primary test is a subjective one involving the state of mind or personal intent of the individual with respect to employment. Thus where an individual indicates he does not want to take any job and is unwilling to work he is clearly not available for work. However, if the individual states that he is willing to work and will accept a suitable job, then the secondary element involving more objective standards applies. The proper application of the objective test involves a finding of facts to determine whether or not an individual who is willing to work places such restrictions on hours, wages, or conditions of work that he cannot come within the meaning of "available for work" as used in the law. Similarly, an individual who is willing to work may have involuntary restrictions such as family responsibility, lack of transportation or attendance at school, which render him ineligible for benefits under the availability provision. Again, where there are no voluntary or involuntary limitations placed on the individual who states that he is willing to work, his conduct may be such as to show, by refusing to accept referrals to jobs or refusing several offers of suitable employment, that his statement that he is willing to work is not a true statement of fact.

The investigation by your committee has revealed that in general the availability provision of the law is not applied properly.<sup>255</sup> The usual procedure of asking a claimant whether he is available for work, if it has any meaning at all, will probably satisfy the primary test and indicate whether or not the claimant is willing to take a job. This does not reveal whether or not the claimant places limitations on the type of employment he is willing to accept nor does it reveal whether there are any involuntary limitations such as family restrictions and illness which may render him not available for work. It is only where the conduct of the individual is such, by refusing suitable employment and referrals to jobs, that the present procedure followed in most local offices is satisfactory.

<sup>248</sup> Benefit Decision 381 (Unemployment Insurance Appeals Board).

<sup>249</sup> Benefit Decisions 800, 974 (Unemployment Insurance Appeals Board).

<sup>250</sup> Benefit Decision 511 (Unemployment Insurance Appeals Board).

<sup>251</sup> Benefit Decision 575 (Unemployment Insurance Appeals Board).

<sup>252</sup> Benefit Decisions 747, 923 (Unemployment Insurance Appeals Board).

<sup>253</sup> Benefit Decisions 103, 991 (Unemployment Insurance Appeals Board).

<sup>254</sup> Benefit Decisions 455, 463 (Unemployment Insurance Appeals Board).

<sup>255</sup> There is a general impression that a proper application of the law is measured in terms of the number of individuals who are denied benefits. In suggesting that the law should be more strictly applied and strictly enforced, it is not intended to recommend that determinations of ineligibility should be made without a finding of facts which will sustain the determination. However, a more careful examination and sincere interrogation with respect to the eligibility conditions of the claimant is needed. This requires a thorough understanding of the detailed provisions and refined interpretations of the law as well as of the general language of the Act. On such a basis the claims examiners will be in a position to apply the law more adequately in individual cases and at the same time insure a more uniform State-wide administration.

It is the opinion of your committee that when a claims examiner will ask questions which are necessary to bring forth the facts to show that none of the elements rendering an individual not available for work exist, then he may properly conclude that the claimant is available for work. If in the course of this determination there is reason to believe that a claimant is not answering truthfully all of the questions, an investigation should be made by a special staff to obtain the facts. On the basis of this evidence, the claims examiner may re-determine the eligibility of the claimant and impose whatever penalties are authorized by law. It is recognized that to obtain proper enforcement the present law should be implemented by establishing a field investigation unit in the Department of Employment. However, it is necessary to make certain that the availability provision of the act is properly applied by the claims examiners before any investigating staff can serve a proper purpose.

Your committee believes that when such action is taken the cases in which workers who are not in the labor market receive unemployment benefits will be reduced to a minimum and there will be no need to use the other existing voluntary quit or refusal of suitable employment disqualifications in order to deny benefits to an individual who is in fact not available for work.

#### ADMINISTRATIVE FUNDS

The cost of administering the Unemployment Insurance Act is paid by the Federal Government. No part of the money collected in the form of State unemployment insurance taxes is used to defray the expenses incurred in operating the Department of Employment. As pointed out on pages 18 and 19 of this report, Congress appropriates, annually, a lump sum of money which the Social Security Board is authorized to allocate to the States pursuant to Title III of the Social Security Act to defray the cost of administering the unemployment insurance laws of each State. For the fiscal year ending 1944, Congress appropriated \$36,000,000 for this purpose, while for the current fiscal year ending 1945, the amount appropriated was cut to about \$29,000,000. The effect of this reduced appropriation was to decrease the amount received by California by approximately 19 per cent of the amount granted during the previous year. For the Fiscal Year ending 1944, California received \$2,595,814 for unemployment insurance administration. For the current Fiscal Year ending 1945 this amount was \$2,192,779. During February of 1945, however, an additional \$50,000 was made available by the Social Security Board. Thus, together with the \$74,300 granted by the Veterans Administration for handling veterans' unemployment benefits in this State, the total amount received to date for the Fiscal Year 1945 by the Department of Employment for unemployment insurance functions has been \$2,317,109.

As a result of this decrease in budget, it has been necessary for the Department of Employment to reduce the number of its employees and to eliminate many of its activities. In view of the high claims load which is expected in this State, even before the end of the war, it is possible that California will find itself unprepared and without adequate and trained personnel necessary to properly administer the Unemployment Insurance Act. Appropriations by Congress are generally based on



the assumption that unemployment insurance activity will not become significant until after the war. The facts, however, clearly show that California is facing the beginning of its postwar unemployment problem at the present time. Between January of 1944 and January of 1945 the number of unemployed workers receiving benefits has more than doubled and the claims load shows a continual increase. It should be pointed out that two aircraft companies alone in this State employed about 95,000 workers on January, 1, 1945, while 13 months prior to that time the number employed by these two companies was about 250,000. This was a decrease of over 150,000 workers during a 13-month period. California's shipbuilding industry, which maintained relatively high employment during 1944, is now beginning to follow a pattern similar to that which occurred in the aircraft industry last year. It is apparent that California's postwar unemployment problem may well precede the termination of the war.

In view of this situation, your committee sponsored an urgency measure during the January Session of the California Legislature (1945) establishing a special Contingent Administration Fund in the State Treasury out of the money collected as penalties and interest on delinquent unemployment insurance contributions.<sup>256</sup> The purpose of this fund is to meet any critical unemployment condition which may arise at a time when the funds granted to California by the Social Security Board are insufficient to properly administer the Unemployment Insurance Act. In fairness to the Social Security Board, it should be pointed out that California's position is fully appreciated. However, the board can only authorize grants to the States if Congress appropriates the money. In this particular instance, the total appropriation made by Congress was inadequate. During previous years, the department has indicated that ample funds have been made available.

The special Contingent Administrative Fund which is now part of the Unemployment Insurance Act will accumulate a reserve at the rate of about \$500,000 per year on the basis of present conditions.<sup>256a</sup> It is recognized that at the next session of the Legislature it may be desirable to provide a limit beyond which no further money shall accumulate. All expenditures from the Contingent Administration Fund are restricted and no withdrawals may be made unless the Social Security Board is unable to provide sufficient money necessary for the proper and efficient administration of the California Law. Under the procedure followed by the Social Security Board, if the State of California were to provide administrative funds to the Department of Employment in addition to the amount granted by the Federal Government, the amount made available by the State would be deducted from the total Federal grant.

Your committee believes that a strict accounting should be required with respect to the use that is made of money from the Contingent Administration Fund. This fund was established to avoid a possible serious situation in California, and not to provide an expense account to pay for out-of-state trips made by the commissioners which the Social

<sup>256</sup> S. B. 286.

<sup>256a</sup> The amount of fines, interest and penalties on delinquent accounts has decreased in recent years. This may be observed from a letter to the committee from the Department of Employment (February 20, 1945) revealing the amount of money which will accumulate in the newly created contingent administration fund:

	1940	1941	1942	1943	1944
Interest and Penalties.....	\$1,627,252.94	\$782,334.06	\$724,985.95	\$634,221.48	\$473,293.67
Fines .....	2,946.50	2,495.00	2,347.25	1,114.50	817.12



Security Board does not recognize as necessary. It has come to the attention of your committee that several other States have created similar funds from which out-of-state tours by the heads of administrative agencies have been financed. Your committee wishes to point out that this was not the purpose for which the California Contingent Fund was created and a report of all expenditures should reveal whether or not its real purpose is adhered to.

Pursuant to the specific provisions of Senate Resolution No. 143 creating the Interim Committee on Unemployment Insurance, the following information is submitted relative to the amount of money collected in California by the Federal Government under the Federal Unemployment Tax and the amount of money granted to California by the Federal Government for unemployment insurance administration under Title III of the Social Security Act.<sup>257</sup>

COLLECTIONS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT		FEDERAL GRANTS FOR UNEMPLOYMENT INSURANCE ADMINISTRATION	
From California		To California	
1937 -----	\$2,426,000	1937 -----	\$1,708,000
1938 -----	3,817,000	1938 -----	3,882,000
1939 -----	5,466,000	1939 -----	4,201,000
1940 -----	5,412,000	1940 -----	4,465,000
1941 -----	5,630,000	1941 -----	5,092,000
1942 -----	7,376,000	*1942 -----	5,506,000
1943 -----	11,912,000	1943 -----	3,114,000

\* Grants prior to Nov. 30, 1942, include employment service functions also.

Although a total of \$11,912,000 was collected in California under the Federal Unemployment Tax Act in 1943, and only \$2,595,814 was granted under Title III of the Social Security Act for unemployment insurance administration, it should be remembered that California received a total of \$40,000,000 from the Federal Government under the other provisions of the Social Security Act during 1943. This Federal aid was more than the amount received by any other State in the Union. It is generally stated that the amount of money collected under the Federal Unemployment Tax Act was intended to be used solely to defray the cost of administration of State unemployment insurance laws as well as to encourage the enactment by the states of unemployment insurance legislation. While this may have been the intention of Congress, the Federal Unemployment Tax Act contains no such provision and the funds collected are not earmarked. Actually it is a Federal revenue measure and all moneys collected thereunder are deposited in the general treasury from which appropriations are made by Congress to defray the cost of operating and maintaining the Federal Government including direct grants in aid to the States under the Social Security Act.

<sup>257</sup> Social Security Yearbook of 1943, pp. 76, 77.

**PERSONNEL**

Your committee has found that many of the weaknesses in the administration of the Unemployment Insurance Act are directly attributable to the failure to maintain adequate and trained personnel in both the various field offices of the department as well as in the central office at Sacramento.

As pointed out in Chapter III of this report there are at present a total of 138 claims examiners in the State. At the same time there are approximately 79 local offices of the department. All of the claims for unemployment insurance, with the exception of the small percentage of cases appealed, are paid or denied on the basis of the original determination by this limited number of claims examiners. Unemployment benefits totaling \$1,500,000 were paid during the month of February, 1945, on the basis of determinations made by these individuals whose salaries range from \$160 to \$200 in the case of a claims examiner, and \$130 to \$170 in the case of a junior claims examiner.<sup>258</sup> The importance of the work of the claims examiners is generally not appreciated unless one actually visits and observes the activity in a local office. From an administrative and monetary standpoint, the local claims examiner is perhaps the most responsible position in the entire department. The need for additional well-trained and qualified claims examiners is critical at the present time and it is the opinion of your committee that unless greater emphasis is attached to the work performed in the field offices no real improvement in the administration of the Unemployment Insurance Act can be expected.

The field auditing activity of the Tax Division of the Department of Employment is seriously handicapped because of lack of personnel. As of December, 1944, there were only 59 field auditors employed by the department performing tax enforcement functions.<sup>259</sup> When it is recognized that there are over 50,000 employers subject to the Unemployment Insurance Act, and the amount of revenue collected by this tax during the past two years has exceeded the amount collected by any other State tax, it is apparent that this limited number of field auditors are not in a position to properly enforce the tax provisions of the act.<sup>259a</sup>

The loss of competent and trained personnel, particularly during the war, has become serious in the central office in Sacramento; however, the conditions in the central office are not as critical as those which exist in the local field offices of the department. The Research and Statistics Section has placed the commission in a position whereby necessary data for determining sound policies can not be made available. The information needed to carry out the purposes of the act pursuant to Sections 43 and 91 of the Unemployment Insurance Act is not adequate. Your committee has been either unable to obtain or greatly delayed in obtaining necessary data for the purposes of its investigation, and in most instances the inability to provide the information or the delay was attributable to the limited research and statistical staff available.

<sup>258</sup> See personnel report on page 33, *supra*.

<sup>259</sup> *Ibid*.

<sup>259a</sup> The main check against tax evasion used by the department is when workers file claims for benefits and no wage credits appear on the records. Since few claims are filed today this method is not effective. Furthermore, many workers whose claims are denied will not insist that they should have wage credits and thus an investigation is not made.

**ADMINISTRATIVE ORGANIZATION**

The California Employment Stabilization Commission consisting of five full-time members at a salary of \$7,500 per year was created by the 1943 Legislature.<sup>260</sup> During the course of the past two years your committee has had an opportunity to observe the operation of the present form of administrative organization. The fundamental weakness which the majority of the members of the commission have admitted before a public hearing is the division of authority which exists between the two administrative chiefs.<sup>261</sup> The three members of the commission who comprise the Appeals Board serve primarily in a quasi-judicial capacity (deciding appeals), and their activity is removed from the supervisory and strictly administrative functions of the department. However, it is the division of authority between the two members of the commission who are administrative chiefs which presents a serious defect in the law. Under the present arrangement, there is uncertainty as to the particular individual or individuals who are responsible for general supervision of the department and for executing and carrying out the policy determined by the commission itself. It is recognized that there is a need for a direct line of authority whereby one individual is responsible to the Governor for the operation of the Department of Employment in the same manner as every other State Department which has a single Director directly accountable to the Chief Executive of the State.

It is recommended by your committee that the very minimum change in the present law necessary at this time to provide a workable arrangement, without revising the entire existing administrative organization, requires that the chairman of the commission be appointed by the Governor from one of the two administrative chiefs and that he be made responsible to the Governor for supervising the activity of the entire department and carrying out the policies established by the commission. Under the present law the chairman is selected by the commission itself from one of its five members and there is no responsibility for supervising and coordinating the functions of the department as a whole.

Another problem has arisen in reference to the procedure followed by the commission in adopting rules and regulations pursuant to Section 90 of the act. Under the present law, rules and regulations are formulated by either one of the two commissioners who are administrative chiefs. After a public hearing the rule or regulation becomes effective unless a protest is made, in which case the Appeals Board determines whether or not the rule or regulation should be approved. Thus it is only in the case of a protest in which the Appeals Board passes on any rule, and even in such a case, the determination by the Appeals Board is not restricted to the question of whether the rule is in conformity with the act. In view of the recent decision of the Supreme Court<sup>262</sup> in which a ruling of the commission was held invalid on the ground that it was in violation of the act, it would appear that every rule and regulation proposed should conform with the substantive

<sup>260</sup> Section 77 of the California Unemployment Insurance Act.

<sup>261</sup> Record of Hearing before the Senate Interim Committee on Unemployment Insurance (March 9, 10, 11), Los Angeles, California, pp. 148-149; 160; 170.

<sup>262</sup> *Whitcomb Hotel Inc. v. The California Employment Commission*, 24 A. C. 726; Rule 56.1, adopted pursuant to the Unemployment Insurance Act.



provisions of the act itself, as determined by the Appeals Board with the legal assistance of the Attorney General. Unless such a provision is made, rules and regulations will become effective without any legal determination as to their conformity with the law. This limitation should be placed on the rule-making power to avoid any possible violation of the express provisions of the law as written by the Legislature. In this respect it should be pointed out that the legal section of the department is not a well-defined unit capable of providing complete and adequate legal assistance to the entire department. There is need for closer coordination with and supervision by the Attorney General in order to insure proper and formal interpretation of the unemployment insurance law.

In connection with the administrative organization of the present Department of Employment there is some question as to the advisability of establishing advisory committees which are found in the law of several other States. The California Unemployment Insurance Act provides for an advisory committee composed of labor, management and the public only with respect to employment service activity.<sup>263</sup> Your committee has considered the possibility of providing a similar advisory committee with respect to unemployment insurance activity; however, no definite conclusion or recommendation has been reached at this time.

#### CENTRALIZED AUDITING SYSTEM

In the course of the investigation by your committee of the field operations of the Tax Division of the State Department of Employment a definite need for coordinating the activities of the various taxing agencies in this State has become apparent. Much of the information which is necessary for an effective and efficient audit for unemployment insurance tax purposes is available from the records of other State agencies, yet there is no central office which compiles such information and makes it readily available for all of the tax enforcement units. At the same time many of the functions performed by the field auditors of the Department of Employment are very similar to, and in many cases a duplication of, the functions performed by the auditors of other tax agencies of this State. Under the present system of independent auditing whereby each taxing agency maintains a separate field staff, there are at least two very serious weaknesses. In the first place, there is a lack of coordination of the data and information compiled by each agency which has application to the tax enforcement work of all the agencies. Secondly, there is a duplication of the functions performed by the auditors of the various agencies and yet no agency seems to have adequate personnel available to perform the work necessary for proper law enforcement.

Your committee wishes to call to the attention of the Legislature the importance of a central audit system in the enforcement of the tax laws of this State, although the problem is one which extends far beyond unemployment insurance operations and manifests itself only in part in the Tax Division of the Department of Employment. The existing

<sup>263</sup> Section 93 of the California Unemployment Insurance Act.



system of separate enforcement units for each tax law results in the loss of money to the State and at the same time requires large expenditures for auditing purposes. While your committee is not in a position to recommend any particular form of centralized auditing and tax enforcement for the entire State, it is recommended that action be taken to consider a program that would at least coordinate the information available from the various state departments and unify much of the activity and operations now being duplicated by the separate tax enforcement agencies.

#### CONTINUATION OF THE COMMITTEE

During the past two years in which your committee was in existence a considerable amount of time was devoted to the study of employment and unemployment conditions in this State as well as the operation and administration of the Unemployment Insurance Act. A number of public hearings and meetings have been held and local offices of the department throughout the State have been visited. A study has also been made of employment opportunities in the various communities and areas. Considerable time has been spent on a study of the unemployment insurance law of this State and of the various other States, with particular attention focused on the problem of interstate cooperation and the work of the Council of State Governments in this field.

Although a thorough study has been made of several phases of the Unemployment Insurance Act and its operation, it has been impossible in view of the complexity of the law itself, and the many ramifications of the problems relating thereto, to review and study every aspect of unemployment insurance in this State.

It is the opinion of your committee that the employment and unemployment conditions of this State should be observed carefully and followed closely within the next two years. It is also recommended that further study be made of the operation of the Unemployment Insurance Act which has accumulated a fund of over \$650,000,000 and is being administered by a new commission with only two years of experience during which little unemployment has prevailed and benefit payments have been at a minimum.

The members of your committee have acquired considerable background in this field as a result of their work and are now in a position to approach the problems involved with a better understanding of their significance. Several important studies remain uncompleted and there are many unsolved problems which have come to the attention of your committee. It is therefore recommended that the present interim committee be continued for the next biennium with the same personnel and that sufficient funds be made available to permit a more complete and detailed investigation.

## PART III

### CONCLUSIONS AND RECOMMENDATIONS

It has been the endeavor of your committee to ascertain all relevant facts and circumstances surrounding the labor force of this State with particular attention focused on the employment and unemployment conditions that may be expected within the near future and during the period of postwar reconstruction. In this respect the following conclusions are submitted:

- (1) That California is now the third largest State in the Union and has reached a total population of over eight and one-half million (including all civilians and prewar residents now in the armed forces) which marks an increase of more than one and one-half million persons since 1940;
- (2) That California's working population expanded to three and one-half million workers (as of June, 1943), reflecting an increase in the number employed by more than one million since 1940;
- (3) That the actual amount of unemployment in this State after the war or immediately prior thereto may vary between one-half and one and one-quarter million workers, according to estimates available at this time;
- (4) That California reached its peak wartime employment in the late summer of 1943 and has experienced a sharp decline in the number employed, particularly in manufacturing industry since that date. (Present indications are that this decrease in employment will continue and become more pronounced.)

In the light of these general employment and unemployment conditions and other more detailed studies, your committee has endeavored to appraise the adequacy of the Unemployment Insurance System of this State. We have found serious limitations both in the provisions as well as in the administration of the Unemployment Insurance Act. Your committee believes that it is indispensable for the maintenance of the postwar economic and social stability of this State that intelligent action in the field of unemployment insurance should be taken at this time and not two or four years hence. The failure to provide an adequate program may result in the recurrence of another relief organization which, as pointed out in this report cost the State of California alone over fifty million dollars during the single year of 1940.

The recommendations submitted herewith are made with full appreciation of the heavy burden that unemployment insurance must carry in this State after the war and with a clear recognition of the fact that

the unemployment insurance law of this State is a part of a nation-wide system which must, to survive, retain marks of integration and uniformity and at the same time manifest some progressive development.

The unanimous recommendations of your Interim Committee on Unemployment Insurance are as follows:

- (1) That workers employed by establishments with one or more employees should be covered by unemployment insurance;
- (2) That unemployment benefits should be available for every eligible worker for a uniform period of 26 weeks;
- (3) That the variable disqualification provisions of the present California law should be adjusted to conform with the uniform disqualification provisions of the Veterans' G. I. Bill;
- (4) That the present two-week waiting period should be reduced to one week;
- (5) That an investigating staff be established in the Department of Employment to insure proper enforcement of the law and to prevent and discourage the filing of claims in violation of the Unemployment Insurance Act;
- (6) That provision be made for greater interstate cooperation in the administration and enforcement of the Unemployment Insurance Law of each State;
- (7) That the commission be given greater authority to determine whether or not workers who file claims for benefits are in the labor market when their prior earnings reveal short periods of employment;
- (8) That a bureau of education and public instruction should be established in the Department of Employment to promote a better understanding of the provisions of the Unemployment Insurance Act;
- (9) That children under the minimum age at which a full-time work permit may be granted should not be considered in the labor market and excluded from coverage under the Unemployment Insurance Act;
- (10) That workers in certain nonprofit organizations should be protected by unemployment insurance and the present exclusion of this group be removed;
- (11) That the worker contributions imposed by the Unemployment Insurance Act should be used to establish an unemployment disability insurance system to pay benefits to individuals who are unemployed because of illness or injury, for which no compensation is otherwise made;
- (12) That no large war expanded industries should be extended a tax rate below the general rate for a two-year period;
- (13) That provision be made for establishing tri-partite appeal tribunals in the various local areas throughout the State.

- (14) That provision should be made to provide dependent allowances to those workers who are the head of a family rather than increase the weekly amount of benefits necessary to more adequately compensate for the wage loss sustained by the unemployed worker;
- (15) That all individual tax rates determined by the Department of Employment each year should be made available for public inspection;
- (16) That consideration should be given to adjusting the merit rating formula according to employment variations or pay roll variations to the end that it more adequately reflects stabilization of employment, and that until such time as a fair and equitable formula based on actual stabilization of employment is developed, no individual tax rate should be reduced more than 1 per cent below the standard rate of 2.7 per cent;
- (17) That (in the opinion of the Chairman of the Committee) the present system of variable tax rates which allows a small percentage of the taxpayers to pay a tax of less than 2.7 per cent should be replaced with a uniform and equal tax on all employers, and that provision should be made for a lower uniform tax on all small employers with less than 8 workers who are not subject to the Federal Unemployment Tax Act until such time as the Federal act is amended to permit a uniform tax reduction for all employers equally;
- (18) That the present interim committee be continued with the same personnel and that adequate funds be made available to permit a more complete and detailed investigation of the subject of employment conditions and unemployment insurance in California.

Respectfully submitted.

SENATOR JOHN F. SHELLEY, Chairman  
SENATOR H. E. DILLINGER  
SENATOR HAROLD J. POWERS  
SENATOR H. R. JUDAH  
SENATOR R. R. CUNNINGHAM

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The committee is unanimous in its appreciation of the work done by Mr. A. P. Guidotti who, through two years, has worked as the Counsel and Chief Investigator for the committee. We feel we would be remiss in not making some comment about Mr. Guidotti's devotion to his work and in expressing our gratitude for the assistance he has given us in gathering the materials for and organizing the details of this report.

SENATOR JOHN F. SHELLEY, Chairman



## APPENDIX A

## POSTWAR EMPLOYMENT TRENDS BY INDUSTRY GROUPS \*

Prepared by the State Reconstruction and Reemployment Commission  
(Page 85 of "Estimates of Wartime and Postwar Employment in California,")  
December 1944

Industry Group	April 1940	June 1943	First Postwar Year	
			Maximum Level	Moderately Low Level
Agriculture, forestry and fishing <sup>b</sup> -----	268,000	299,000	310,000	280,000
Mining -----	46,000	31,000	47,000	40,000
Manufacturing -----	409,000	1,145,000	611,000	471,000
Construction -----	138,000	130,000	220,000	160,000
Transportation, communication and utilities -----	184,000	242,000	225,000	205,000
Trade and service -----	1,168,000	1,167,000	1,441,000	1,287,000
Trade -----	551,000	605,000	695,000	620,000
Service -----	617,000	562,000	746,000	667,000
Government <sup>c</sup> -----	237,000	425,000	310,000	320,000
Unclassified <sup>d</sup> -----	32,000	25,000	40,000	35,000
Total employed -----	2,482,000	3,464,000	3,204,000	2,798,000

\* Includes wage and salary workers, employers, own-account workers and unpaid family workers.

<sup>b</sup> Does not include Mexican contract workers, or emergency volunteer workers.

<sup>c</sup> All civilian employees of Federal, State and local governments regardless of activity in which the employee is engaged; includes employees in Navy yards and arsenals, teachers, road construction workers, employees of municipally-owned utilities, etc.

<sup>d</sup> Represents "Industry not reported" in April, 1940; carried as a balance group for estimates in June, 1943, and first postwar year.

## APPENDIX B

TAXATION TABLE  
UNEMPLOYMENT INSURANCE IN THE UNITED STATES

(Includes most legislative changes as of April 1, 1945)

Coverage			Tax		
	Number of Employees	Length of Employment*	Employers Tax	Merit Rating	Employees Tax
1—Alabama.....	8 or more.....	.....	5-2.7%.....	Yes	1-1%
2—Alaska.....	8 or more.....	.....	2.7.....	No	None
3—Arizona.....	3 or more.....	.....	1..... 3.6%.....	Yes	None
4—Arkansas.....	1 or more..... 10 days.....	.....	1..... -2.7%.....	Yes	None
5—California.....	4 or more..... 20 weeks or \$3,000 per qtr.....	.....	1..... -2.7%.....	Yes	1%
6—Colorado.....	8 or more.....	.....	9..... 3.6%.....	Yes	None
7—Connecticut.....	4 or more..... 13 weeks.....	.....	1.5-2.7%.....	Yes	None
8—Delaware.....	1 or more.....	.....	5..... 3%.....	Yes	None
9—D.C.....	1 or more..... any time.....	.....	1-2.7%.....	Yes	None
10—Florida.....	8 or more..... 20 weeks or \$5,000 per qtr.....	.....	1.7-2.7%.....	Yes	None
11—Georgia.....	8 or more.....	.....	(**). 1..... -2.7%.....	Yes	None
12—Hawaii.....	1 or more..... any time.....	.....	0..... -2.7%.....	Yes	None
13—Idaho.....	1 or more..... \$78.00 per quarter.....	.....	1.5-2.7%.....	Yes	None
14—Illinois.....	6 or more.....	.....	5..... 3.6%.....	Yes	None
15—Indiana.....	8 or more.....	.....	135..... 3.7%.....	Yes	None
16—Iowa.....	8 or more..... 15 weeks.....	.....	9-(7)* 3.6%.....	Yes	None
17—Kansas.....	8 or more.....	.....	(**) 9-2.7%.....	Yes	None
18—Kentucky.....	4 or more..... 3 calendar qtrs. and \$50 each employee per qtr.....	.....	0..... -2.7%.....	Yes	None
19—Louisiana.....	4 or more.....	.....	2.7 (9-2.7%) <sup>b</sup> .....	No	None
20—Maine.....	8 or more.....	.....	1.5-2.7%.....	Yes	None
21—Maryland.....	4 or more (1 or more any time)*.....	.....	(1.2-2.7%)*.....	Yes	None
22—Massachusetts.....	1 or more..... any time.....	.....	5-2.7%.....	Yes	None
23—Michigan.....	8 or more.....	.....	1..... 4%.....	Yes	None
24—Minnesota.....	1 or more.....	.....	5..... 3.25%.....	Yes	None
25—Mississippi.....	8 or more.....	.....	2.7.....	No	None
26—Missouri.....	3 or more.....	.....	0..... 3.6%.....	Yes	None
27—Montana.....	1 or more..... 20 weeks or \$500 per year.....	.....	2.7.....	No	None
28—Nebraska.....	8 or more.....	.....	0..... -2.7%.....	Yes	None
29—Nevada.....	1 or more..... \$225 per quarter.....	.....	1 up (2.7% aver.) (1-4.5%)*.....	Yes	None
30—New Hampshire.....	4 or more.....	.....	5-2.7%.....	Yes	None
31—New Jersey.....	8 or more (4 or more)*.....	.....	9..... 3.6%.....	Yes	1%
32—New Mexico.....	1 or more..... \$450 per quarter; or 2 or more..... 13 weeks.....	.....	9..... 3.6%.....	Yes	None
33—New York.....	4 or more..... 15 days.....	.....	2.7..... (.....)*.....	No (Yes)*	None
34—North Carolina.....	8 or more.....	.....	27-2.7%.....	Yes	None
35—North Dakota.....	8 or more.....	.....	1..... -2.7%.....	Yes	None
36—Ohio.....	3 or more..... any time.....	.....	7..... 3%.....	Yes	None
37—Oklahoma.....	8 or more.....	.....	5..... 4%.....	Yes	None
38—Oregon.....	4 or more..... \$500 per quarter.....	.....	1..... 4%..... (5-2.7%)*.....	Yes	None
39—Pennsylvania.....	1 or more.....	.....	1..... -2.7%.....	Yes	None
40—Rhode Island.....	4 or more.....	.....	2.7.....	No	5%
41—South Carolina.....	8 or more.....	.....	9..... 3.6%.....	Yes	None
42—South Dakota.....	8 or more.....	.....	0-2.7%.....	Yes	None
43—Tennessee.....	8 or more.....	.....	1..... 3.3%.....	Yes	None
44—Texas.....	8 or more.....	.....	5-2.7%.....	Yes	None
45—Utah.....	..... \$140 per quarter.....	.....	2.7.....	No	None
46—Vermont.....	8 or more.....	.....	Up to 2.7% (fixed by Comm.).....	.....	.....
47—Virginia.....	8 or more.....	.....	1..... -2.7%.....	Yes	None
48—Washington.....	1 or more..... any time.....	.....	2.7.....	No	None
49—West Virginia.....	8 or more.....	.....	9(5)*-2.7%.....	Yes	None
50—Wisconsin.....	6 or more..... \$10,000 per qtr. or 18 weeks.....	.....	0..... 4%.....	Yes	None
51—Wyoming.....	1 or more..... 20 weeks and \$150 per qtr.; or (\$500 per year)*.....	.....	1..... 3.3%.....	Yes	None

(\*) \* Figure in parenthesis indicates change in law during 1945 (as of March 31).

\*\* States having war risk rates in addition or in lieu of regular rates. (See Preliminary report pages 26-27 for a digest.)

\* Unless otherwise stated requires 20 weeks in a calendar year.

<sup>b</sup> Merit rating effective October 1, 1945.

## APPENDIX C

BENEFIT TABLE  
UNEMPLOYMENT INSURANCE IN THE UNITED STATES

(Includes most legislative changes as of April 1, 1945)

State	Qualifying Wages (WBA-Weekly Benefit Amount)	Weekly Benefit Amount		Total Amount of Benefits	Duration of Benefits
		Maximum	Minimum	Maximum	Maximum
					(weeks)
1—Alabama	30 × WBA (\$60 to \$450)*	\$15	\$2	\$300	20
2—Alaska	25 × WBA (\$125 to \$400)	\$16	\$5	\$256	16
3—Arizona	14 × WBA (\$70 to \$210)	\$15	\$5	\$210	14
4—Arkansas	22 × WBA (\$66 to \$340)	\$15	\$3	\$240	16
5—California	\$300	\$20	\$10	\$468	23.4
6—Colorado	30 × WBA (\$150 to \$300)	\$15	\$5	\$240	16
7—Connecticut	\$144	\$22	\$6	\$396	18
8—Delaware	\$200 (and 30 × WBA)*	\$18	\$5 (\$7)*	\$360 (\$396)*	20 (22)*
9—District of Columbia	\$150 to \$300	\$20	\$6	\$400	20
10—Florida	30 × WBA (\$150 to \$450)	\$15	\$5	\$240	16
11—Georgia	\$100 to \$720	\$18	\$4	\$288	16
12—Hawaii	30 × WBA (\$150 to \$600)	\$20	\$5	\$400	20
13—Idaho	\$140 to \$950 and \$78 in 1 quarter	\$18	\$5	\$306	17
14—Illinois	\$225	\$20 <sup>a</sup>	\$7 <sup>a</sup>	\$360	18
15—Indiana	\$250 (\$150 in last 2 quarters)	\$18 (\$20)*	\$5	\$324 (\$400)*	18 (20)*
16—Iowa	15 (18)* × WBA (\$75 to \$225) (\$90 to \$321)*	\$15 (\$18)*	\$5	\$225 (\$324)*	15
17—Kansas	\$200 or \$100 in 2 quarters	\$15 (\$16)*	\$5	\$240 (\$320)*	16 (20)*
18—Kentucky	\$200	\$16	\$5	\$320	20
19—Louisiana	20 × WBA (\$60 to \$360)	\$18	\$3	\$360	20
20—Maine	\$144 (\$200)*	\$18* (\$20)*	\$8* (\$5)*	\$240 (\$400)*	16 (20)*
21—Maryland	30 × WBA (\$210 to \$600)	\$20	\$7	\$460 (\$520)*	23 (26)*
22—Massachusetts	\$150	\$18	\$6	\$360	20
23—Michigan	\$250 (wages in 2 quarters)	\$20	\$10	\$400	20
24—Minnesota	\$200	\$20	\$7	\$320 (\$450)*	16 (20)*
25—Mississippi	30 × WBA (\$60 to \$300)	\$15	\$3	\$210	14
26—Missouri	40 × WBA (\$120 to \$720) and wages in 3 quarters	\$18		\$288	16
27—Montana	30 × WBA (\$150-\$350)	\$15	\$5	\$240	16
28—Nebraska	\$200	\$15	\$5	\$240	16
29—Nevada	2 × square of WBA (\$50 to \$450) or \$200, whichever is greater and 5 × WBA in other than high quarter	\$15 (\$18)*	\$5 (\$8)*	\$270 (\$360)*	18 (20)*
30—New Hampshire	\$200 (\$175 to \$540)* <sup>a</sup>	\$18 (\$20)*	\$6	\$324 (\$400)	18 (20)*
31—New Jersey	\$150	\$18 (\$22)*	\$7 (\$9)*	\$324 (\$572)*	18 (26)*
32—New Mexico	30 × WBA (\$150 to \$450)	\$15	\$5	\$240	16
33—New York	25 (30)* × WBA (\$250 to \$450) (\$300 to \$630)*	\$18 (\$21)*	\$10	\$360 (\$546)*	20 (26)*
34—North Carolina	\$130	\$15 (\$20)*	\$3 (\$4)*	\$240 (\$320)*	16
35—North Dakota	30 (28)* × WBA (\$150 to \$450) (\$140 to \$560)*	\$15 (\$20)*	\$5	\$240 (\$400)*	16 (20)*
36—Ohio	\$160 and 20 weeks employ- ment	\$16	\$5	\$288	18
37—Oklahoma	22 (20)* × WBA (\$132 to \$352) (\$120 to \$360)*	\$16 (\$18)*	\$6 (\$6)*	\$256 (\$360)*	16 (20)*
38—Oregon	\$200	\$15 (\$18)*	\$10	\$240 (\$360)*	16
39—Pennsylvania	\$100 (\$50 in each of 2 quar- ters)	\$18	\$8	\$288	16
40—Rhode Island	\$100	\$18	\$6.75	\$364.50	20
41—South Carolina	\$120 to \$600	\$15	\$4	\$240	16
42—South Dakota	\$126 (\$125)*	\$15	\$7 (\$6)*	\$240 (\$300)*	16 (20)*
43—Tennessee	\$125 to \$450	\$15	\$5	\$240	16
44—Texas	16 × WBA (\$80 to \$240)	\$15 <sup>b</sup>	\$5 <sup>b</sup>	\$240 <sup>b</sup>	16
45—Utah	30 × WBA (\$150 to \$600)	\$20	\$5	\$400 (\$450)*	20 (23)*
46—Vermont	30 × WBA (\$180 to \$450) (\$180 to \$600)*	\$15 (\$20)*	\$6	\$270 (\$400)*	18 (20)*
47—Virginia	25 × WBA (\$100 to \$375)	\$15	\$4	\$240	16
48—Washington	\$200 (\$300)*	\$15 (\$25)*	\$7	\$240 (\$650)*	16 (26)*
49—West Virginia	\$250 (\$300)*	\$18 (\$20)*	\$7 (\$8)*	\$288 (\$420)*	16 (21)*
50—Wisconsin	14 weeks employment	\$20	\$8	\$400 <sup>a</sup>	20 <sup>a</sup>
51—Wyoming	25 × WBA (\$175 to \$500) and \$70 in 1 quarter	\$20	\$7	\$320 (\$400)*	16 (20)*

\* Figure in parenthesis indicates change in law during 1945 (as of March 31).

<sup>a</sup> See text of law for special provisions.<sup>b</sup> Texas actually pays benefits on a two week basis at a benefit range of \$10 to \$30.<sup>c</sup> Uniform duration of benefits.

## APPENDIX D

DISQUALIFICATION TABLE  
UNEMPLOYMENT INSURANCE IN THE UNITED STATES

	Weeks Waiting Period (During benefit year)	Voluntary Quits	Discharge Misconduct	Refusal Suitable Work
1—Alabama.....	1 <sup>a</sup>	total <sup>d</sup>	3 6	Total <sup>e</sup>
2—Alaska.....	2	1-5	1-5	1-5
3—Arizona.....	1	4 <sup>e</sup>	4 <sup>e</sup>	1-5
4—Arkansas.....	1	1-5	1-5	1-5
5—California.....	2	1	1-5	Total
6—Colorado.....	2	3-15 <sup>g</sup>	3-15 <sup>g</sup>	3-15 <sup>g</sup>
7—Connecticut.....	1	4	4	4
8—Delaware.....	1	total	total	total
9—District of Columbia.....	1	3	1-4	3
10—Florida.....	1	1-12 <sup>o</sup>	1-12 <sup>o</sup>	1 5 <sup>o, h</sup>
11—Georgia.....	2	2 8 <sup>c</sup>	3-10 <sup>c</sup>	2-8 <sup>c</sup>
12—Hawaii.....	1	2-7	2-7	2-7
13—Idaho.....	2	total	total	1-5
14—Illinois.....	1	3-7	3-7	3-7
15—Indiana.....	1	3 <sup>f</sup>	3 <sup>f</sup>	3 <sup>f</sup>
16—Iowa.....	2	total	2-9 <sup>g</sup>	total
17—Kansas.....	1	1-9	1-9	1-9
18—Kentucky.....	1	1-16 <sup>g</sup>	1-16 <sup>g</sup>	1-16 <sup>g</sup>
19—Louisiana.....	1	1-6	1-6	1-6
20—Maine.....	1	1-5 <sup>g</sup>	1-9 <sup>g</sup>	1-5 <sup>g</sup>
21—Maryland.....	1	1 9 <sup>h</sup>	1 9 <sup>h</sup>	1-9 <sup>h</sup>
22—Massachusetts.....	1	total	total	1-4 <sup>h</sup>
23—Michigan.....	1	total	total	3 5 <sup>g</sup>
24—Minnesota.....	2	3 <sup>f</sup>	3 <sup>f</sup>	total <sup>d</sup>
25—Mississippi.....	2	1-12	1-12	1-12
26—Missouri.....	1 <sup>b</sup>	1 4 <sup>c</sup>	1-8 <sup>c</sup>	4-8 <sup>c</sup>
27—Montana.....	2	1-5	1-9	1-5
28—Nebraska.....	2	1-5	1-5	total
29—Nevada.....	(1)2 <sup>a</sup>	1-15	1-15	1-15
30—New Hampshire.....	1	total <sup>a</sup>	3 <sup>g</sup>	3
31—New Jersey.....	1	3	3	3
32—New Mexico.....	1	1-13 <sup>g</sup>	1-13 <sup>g</sup>	1-13 <sup>g</sup>
33—New York.....	(1)2 <sup>a*</sup>	6	7	total
34—North Carolina.....	1	4-12 <sup>g</sup>	5-12 <sup>g</sup>	4 12
35—North Dakota.....	(1)2 <sup>a*</sup>	1-7	1-10	1-7
36—Ohio.....	2	3 <sup>f</sup>	3 <sup>f</sup>	total
37—Oklahoma.....	1	2	3	■
38—Oregon.....	(1)2 <sup>a*</sup>	2	2-5	■
39—Pennsylvania.....	2	total	No penalty	total
40—Rhode Island.....	1	3	1-10	1-3 <sup>b</sup>
41—South Carolina.....	1	1 5 <sup>b</sup>	1 9 <sup>b</sup>	1-5 <sup>b</sup>
42—South Dakota.....	1	total <sup>f</sup>	total <sup>f</sup>	total <sup>f</sup>
43—Tennessee.....	1	1-5	1-9	1-5
44—Texas.....	1	2-16 <sup>g</sup>	2-16 <sup>g</sup>	2-8 <sup>g</sup>
45—Utah.....	1	1-5	1-9	1 5
46—Vermont.....	2	1-9	1	■
47—Virginia.....	1	1-5 <sup>g</sup>	1-9 <sup>g</sup>	1-5 <sup>g</sup>
48—Washington.....	1	2-5 <sup>c</sup>	2-5	1 5
49—West Virginia.....	1	6 <sup>c</sup>	6 <sup>c</sup>	4 <sup>c</sup>
50—Wisconsin.....	2	4 <sup>f</sup>	3 <sup>f</sup>	total
51—Wyoming.....	2	1-5 <sup>g</sup>	1-5 <sup>g</sup>	1-5 <sup>g</sup>

\* Law amended during 1945 (as of March 31) to provide a one week waiting period.

<sup>a</sup> One week in 13 weeks.

<sup>b</sup> Two weeks during benefit year.

<sup>c</sup> Eight "effective days" which is equivalent to two weeks. Reduced to four "effective days" in 1945.

<sup>d</sup> Also involves a cancellation of all wage credits during benefit year.

<sup>e</sup> Also requires certain amount of earnings after becoming reemployed.

<sup>f</sup> Also involves cancellation of all wage credits with last employer.

<sup>g</sup> Also benefits reduced just as though paid during the period of disqualification.

<sup>h</sup> Also benefits may be reduced just as though paid during the period of disqualification

<sup>i</sup> Also benefits reduced by 6 × weekly benefit amount.



## APPENDIX E

State of California  
Department of Employment  
Report 381 #1

Research and Statistics  
March 21, 1945

### THE EFFECT OF POSTWAR CONDITIONS ON THE CALIFORNIA UNEMPLOYMENT FUND

(Preliminary Report Revised March 21, 1945)

#### INTRODUCTION

A preliminary report entitled "The Effect of Postwar Conditions on the California Unemployment Fund" was made in October 1943 (Report 376 #1). Most of the detail considerations of the October 1943 report, with respect to postwar claims loads, remain valid and are assumed outright in these revisions.

Subsequent events have, however, invalidated two major assumptions of that 1943 report, namely those covering the timing of the end of both the German and the Japanese wars, and those assuming cost of benefit payments to discharged members of the armed forces would not be borne by the Federal Government but would be borne by the California Unemployment Fund.

That these two assumptions were significant is evidenced by the facts current assumptions of the termination of both the German and Japanese wars by mid-1946 with a high level economy maintained until that time permits additional income to the fund before that postwar year adjustment benefit drain occurs of around \$200,000,000.

Passage of the G. I. bill by the Federal Government, with its provision for the payment of unemployment allowances for discharged members of the armed forces, will result in savings to the fund of \$61,000,000 in benefit payments to veterans assumed in the 1943 report to be financed by the California fund during the postwar adjustment years.

Curtailed budget and personnel during the past two years has not permitted development of solvency studies originally planned either under various sets of assumptions or to keep the original estimates revised to reflect current conditions.

This current estimate is again made for only the stated set of assumptions set forth in this estimate. In making these assumptions, and in the development of the tabulations attached, an effort was made to assume conditions resulting in the most severe effect on the fund consistent with information available to this office.

#### Assumptions

1. The end of the war with Japan will occur mid-1946. The war with Germany will end some time prior to that date.
2. During the period between the end of the German and the Japanese war, the continuation of a full war economy accompanied by high Federal war expenditures will sustain a high level of National income within which it is inconsistent to expect major extended unemployment in California.
3. In an industrial economy as complex as California's, it is reasonable to expect that industrial demobilization will not occur simultaneously in all parts of the economy. Maximum unemployment will not immediately follow termination of the Japanese war, a several months' lag will occur during which there will be cumulative building up of the unemployment insurance claims load. The heaviest drain on the fund will come during late 1946 and early 1947 so that the fiscal year 1947 (July, 1946, through June, 1947) will be the period of heaviest benefit payments.
4. Assumptions of labor force, employment and pay rolls during the year of maximum unemployment (fiscal 1947) have been made to be generally consistent with low first postwar year estimates of the Reconstruction and Reemployment Commission.
5. Stored up buying power can create sufficient effective demand for goods and services to avoid a prolonged and deep depression immediately following the war.
6. Estimates contained in the October 1943 preliminary report "The Effect of Postwar Conditions on the California Unemployment Fund" on insurance payments to be made in the two most severe postwar years were considered to continue to be valid after subtraction of that portion of those payments then anticipated would be paid to veterans. This subtraction is warranted since the 1943

study assumed the cost of payments to veterans would be financed by the fund, whereas passage of the Federal G. I. bill provides the payment of these benefits by the Federal Government. In effect then, there was subtracted from the \$338,000,000 estimated to be paid in 1945, plus the \$217,000,000 estimated to be paid in 1946, under the 1943 study, the \$61,000,000 assumed to be paid to veterans leaving a balance for the two years of \$494,000,000. Instead of assuming the payment of this \$494,000,000 to civilians during 1944 and 1945 as in the 1943 study, this current estimate assumes that total will be paid during the fiscal years 1947 and 1948 (July 1946-June 1947 and July 1947-June 1948). (See footnote \* Table 1 attached.)

7. Unemployment allowances will continue to be available to demobilized members of the armed forces through the G. I. bill and will not necessitate benefit payments from the trust fund other than benefits based on wage credits which may be accrued following discharge from the service.
8. The Unemployment Insurance Act will not be changed with regards to coverage, contribution requirements, or benefit eligibility.
9. Sufficient controls will be exercised by government after the war to avoid a disastrous inflation.
10. Government controls of wage rates during the war will be reasonably effective.
11. Average experience rating tax rates as applied to total taxable pay roll will drop gradually to 1.55 per cent in 1947 from their estimated 1944 average of 2.15 per cent and will increase in 1948 to 1.80 per cent.
12. The rate of interest on the balances in the trust fund will average 1.9 per cent during the years 1945, 1946, 1947, and 1948. The actual average rate during 1944 was 1.885 per cent.
13. Between the present time and the end of the war with Japan, the effect of withdrawals from the labor force and rates of in- and out-migration will tend to minimize the number of civilians seeking available jobs.

#### SUMMARY

1. Under the assumptions described, the California Unemployment Fund will survive the postwar transitional years through 1948 with a minimum year-end balance of \$527,200,000 in 1947.
2. Estimated benefit payments for the years 1945-1948, expressed in payments by six-month intervals rather than annually as in Table 1, would be as follows:

1945—1st 6 months-----	\$12,500,000
—2d 6 months-----	12,500,000
1946—1st 6 months-----	20,000,000
—2d 6 months-----	73,500,000
1947—1st 6 months-----	220,500,000
—2d 6 months-----	133,000,000
1948—1st 6 months-----	67,000,000
—2d 6 months-----	30,000,000

3. Taxable pay rolls and unemployment estimates used are consistent with the low level employment estimates of the California Reconstruction and Reemployment Commission. Throughout the analysis, where selections permitted a choice, assumptions adverse to the solvency of the fund were used. It is difficult to justify more adverse assumptions than those used.
4. A solvency study, however, could well consider the effect of very severe and sustained unemployment conditions, conditions even worse than those admittedly severe conditions listed in the assumptions here. The stated assumptions provide major extended unemployment will not prevail before a rising trend of employment starts. (See curve of insured employment for all industries attached.)

If unemployment were to continue at its low or even at a somewhat lower point than indicated on the curve for all industries, and provision were made for a second severe year and additional payments of \$358,300,000 established (see Table 2), the resulting status of the fund as of December 31, 1948, would be as follows:

	<i>Stated Assumptions with Severe but Moderately Short Transition</i>	<i>Modified Assumptions to Provide Extended Severe Transition</i>
Balance on hand December 31, 1944-----	\$621,276,022	\$621,276,022
Additions to fund 1945-1948-----	481,700,000	443,300,000
Total available for benefit payments-----	1,102,976,022	1,064,576,022
Benefit payments 1945-1948-----	569,000,000	830,300,000
Balance available December 31, 1948-----	534,000,000	234,300,000

State of California  
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TABLE 1  
STATUS OF UNEMPLOYMENT INSURANCE FUND, BY YEARS  
1936-1948

Year	Fund Balance		Insurance Payments (Net)	Fund Income		Contributions and Penalties	Average Contri- bution Rate	Taxable Wages (Millions) <sup>a</sup>
	End of Year	Beginning of Year		Interest On Fund	Unemployment Insurance			
1936-1937	\$66,816,708			\$490,021	\$66,326,687			
1938	107,033,325	\$23,715,353		1,765,090	62,166,880		3.7	\$2,004,178,555
1939	148,697,116	38,546,489		2,868,336	77,336,944		3.7	2,003,170,109
1940	156,097,244	64,889,514		3,753,457	68,541,185		3.7	2,025,506,207
1941	200,034,006	51,870,409		4,096,496	91,710,075		3.48	2,699,093,059
1942	286,693,641	37,314,884		5,226,347	118,747,972		3.39	3,892,476,135
1943	451,479,650	7,302,858		6,977,666	165,111,201		3.28	5,098,045,237
1944	621,276,022	9,919,961		9,368,984	170,347,349		3.15	5,400,000,000
1945	732,400,000 <sup>b</sup>	25,000,000		11,500,000	144,600,000		2.90	4,691,000,000
1946	784,600,000 <sup>b</sup>	93,500,000		13,600,000	112,100,000		2.70	3,856,000,000
1947	527,200,000 <sup>b</sup>	373,500,000		14,100,000	82,000,000		2.55	2,930,000,000
1948	534,000,000 <sup>b</sup>	97,000,000		9,500,000	94,300,000		2.80	3,600,000,000

<sup>a</sup> Not exactly comparable with fund income figures as collections are those made during period shown, while contribution rate and taxable wages are on basis of wages earned during period regardless of when corresponding contributions are paid.

<sup>b</sup> By fiscal years these benefit payments would be divided as follows:

July, 1945-June, 1946	\$32,500,000
July, 1946-June, 1947	294,000,000
July, 1947-June, 1948	200,000,000
July, 1948-June, 1949	190,000,000

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TABLE 2  
LIABILITY FOR UNEMPLOYMENT INSURANCE PAYMENTS  
ON CLAIMS FILED DURING FIRST POSTWAR YEAR

Industry Group	Insured Employment		Number of Claimants July 1, 1946- June 30, 1947	Average Payment During Benefit Year		Aggregate Value of Awards	Payments on Benefit Years Established July 1, 1946- June 30, 1947
	1943 War Peak	1947 Low Point		Average Award	Percent Paid		
Total, all industries	2,376,000 <sup>b</sup>	1,546,000 <sup>b</sup>	1,240,500	\$382	75.7	\$473,700,000	\$358,300,000 <sup>a</sup>
Agriculture, forestry, and fishery	12,000	9,000	3,000	260	82.0	800,000	600,000
Mining	29,000	23,000	12,000	400	65.0	4,800,000	3,100,000
Construction	137,000	128,000	40,000	400	70.0	16,000,000	11,200,000
Manufacturing	1,235,000 <sup>b</sup>	411,000 <sup>b</sup>	891,000	407	312	363,000,000	277,900,000
Aircraft manufacturing	343,000	20,000	330,000	420	336	138,600,000	110,900,000
Shipbuilding	324,000	20,000	320,000	440	343	140,800,000	109,800,000
Metals and metal products	89,000	27,000	50,000	400	280	20,000,000	14,000,000
Machinery, automobiles, & ordnance	101,000	50,000	55,000	420	294	23,100,000	16,200,000
Food manufacturing	153,000	76,000	60,000	280	210	16,800,000	12,600,000
Other manufacturing	232,000	213,000	76,000	313	191	23,700,000	14,400,000
Transportation, communication, and utilities	154,000	137,000	32,600	340	233	11,100,000	7,600,000
Trade	521,000	505,000	169,000	292	218	49,300,000	36,800,000
Finance, insurance, and real estate	83,000	85,000	18,700	304	233	5,700,000	4,400,000
Service	229,000	222,000	74,200	310	225	23,000,000	16,700,000

<sup>a</sup> Of this \$358,300,000 benefit payments to be made on benefit years established during the period July, 1946-June, 1947, it is estimated \$64,300,000 will be paid during the following 12-month period leaving \$294,000,000 payable during the July, 1946-June, 1947 period.

<sup>b</sup> Totals are not the sum of individual items because month of 1943 peak and 1947 low point varies from industry to industry.



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TABLE 3  
CONSERVATIVE ESTIMATE OF CALIFORNIA INSURED  
EMPLOYMENT AND WAGES

Projected Through 1948

<i>Year</i>	<i>Average Employment</i>	<i>Average Annual Wage Rate in Insured Employment</i>	<i>Total Wages in Insured Employment (in Thousands)</i>	<i>Ratio of Total to Taxable Wages</i>	<i>Taxable Wages (in Thousands)</i>
1940	1,380,688	1,622	\$2,238,118	.9050	\$2,025,506
1941	1,672,183	1,778	2,973,486	.9077	2,699,093
1942	1,981,973	2,159	4,280,398	.9094	3,892,476
1943	2,274,031	2,515	5,718,448	.8915	5,098,045
1944	2,202,896	2,770	6,102,000	.8852	5,400,000
1945	2,067,000	2,550	5,271,000	.8900	4,691,000
1946	1,873,000	2,300	4,308,000	.8950	3,856,000
1947	1,624,000	2,000	3,248,000	.9020	2,930,000
1948	1,778,000	2,250	4,000,000	.9000	3,600,000

## APPENDIX F

UNEMPLOYMENT INSURANCE COVERAGE OF CIVILIAN POPULATION  
IN JUNE, 1944

Preliminary Estimate

Table 1—Summary

<i>Classification</i>	<i>Number (In thousands)</i>	<i>Per cent</i>
California Population .....	7,950	100.0
Employed in Labor Force <sup>a</sup> .....	3,601	45.3
Covered by unemployment insurance .....		
Insured employment (state law) .....	2,204	27.7
Railroad employment (federal law) .....	98	1.2
Noninsured employment .....	1,299	16.4
Unemployed in Labor Force .....	70	0.9
Not in Labor Force <sup>a</sup> .....	4,279	53.8
Engaged in own home housework .....	1,588	20.0
Dependent minors .....	1,991	25.0
Other .....	700	8.8

<sup>a</sup> Labor force figures may be 2 per cent to 3 per cent high and persons not in labor force correspondingly low due to labor turnover and other factors in employment figures used to segregate work force from nonworkers.

Table 2—Noninsured Employment by Classification

<i>Classification</i>	<i>Number (In thousands)</i>	<i>Per cent</i>
Total, Noninsured Employment .....	1,299	100.0
Employees of Firms with 1-3 Workers .....	150	11.5
Private Nonprofit Organizations .....	25	1.9
Domestic Service .....	75	5.8
Government Service .....	465	35.8
Federal .....		
War agencies .....	244	18.8
Nonwar agencies .....	38	2.9
State .....	28	2.2
Local .....	155	11.9
Agricultural Workers .....	169	13.0
Employers and Own Account Workers .....	415	32.0
Farm .....	130	10.0
Nonfarm .....	285	22.0

**Table 3—Number of Persons Earning Wages in Insured Employment**  
During 12-Month Period Ending September 30, 1943

<i>Amount of earnings</i>	<i>Number of persons</i>		<i>Per cent of persons</i>	
	<i>Number by amount of earnings</i>	<i>Number accumulated</i>	<i>Per cent by amount of earnings</i>	<i>Per cent accumulated</i>
Total, all amounts.....	3,800,000		100.0	
Less than \$100.....	626,512	626,512	16.5	16.5
\$100-\$199 .....	302,295	928,807	8.0	24.5
200- 299 .....	220,534	1,149,341	5.8	30.3
300- 399 .....	178,702	1,328,043	4.7	35.0
400- 499 .....	145,918	1,473,961	3.9	38.9
500- 599 .....	133,549	1,607,510	3.5	42.4
600- 699 .....	109,817	1,717,327	2.9	45.3
700- 799 .....	103,882	1,821,209	2.7	48.0
800- 899 .....	92,519	1,913,728	2.4	50.4
900- 999 .....	83,870	1,997,598	2.2	52.6
1,000 or more.....	1,802,402	3,800,000	47.4	100.0

## APPENDIX G

STATE OF CALIFORNIA  
(Office of State Controller)EXPENDITURES FOR UNEMPLOYMENT RELIEF  
JULY 1, 1930, TO JUNE 30, 1944

Year Ended June 30:	<i>Expenditures</i>		
	<i>State Funds</i>	<i>Federal Grants</i>	<i>Total</i>
1932			
General Fund -----	\$19,729.63	-----	\$19,729.63
1933			
General Fund -----	\$44,241.03	-----	\$44,241.03
Special Deposit Fund-----	-----	\$10,937,244.04	10,937,244.04
Totals, 1933-----	\$44,241.03	\$10,937,244.04	\$10,981,485.07
1934			
General Fund -----	\$78,852.79	-----	\$78,852.79
S. E. R. A. Fund-----	-----	\$4,184,309.72	4,184,309.72
Special Deposit Fund-----	-----	16,070,772.53	16,070,772.53
Totals, 1934-----	\$78,852.79	\$20,255,082.25	\$20,333,935.04
1935			
General Fund -----	\$112,954.60	-----	\$112,954.60
S. E. R. A. Fund-----	22,510,664.35	\$92,521,031.51	115,031,695.86
Special Deposit Fund-----	-----	83,985.20	83,985.20
Totals, 1935-----	\$22,623,618.95	\$92,605,016.71	\$115,228,635.66
1936			
General Fund -----	\$166,201.32	-----	\$166,201.32
S. E. R. A. Fund-----	26,773,504.85	\$46,466,229.57	73,239,734.42
Totals, 1936-----	\$26,939,706.17	\$46,466,229.57	\$73,405,935.74
1937			
General Fund -----	\$206,049.82	-----	\$206,049.82
S. E. R. A. Fund-----	22,401,904.13	\$551,992.67	22,953,896.80
Totals, 1937-----	\$22,607,953.95	\$551,992.67	\$23,159,946.62
1938			
General Fund -----	\$303,662.84	-----	\$303,662.84
S. E. R. A. Fund-----	32,113,005.41	\$68,381.55	32,181,386.96
Special Deposit Fund-----	-----	45,573.28	45,573.28
Totals, 1938-----	\$32,416,668.25	\$113,954.83	\$32,530,623.08
1939			
General Fund -----	\$373,014.27	-----	\$373,014.27
S. E. R. A. Fund-----	41,972,901.98	-----	41,972,901.98
Special Deposit Fund-----	-----	\$41,149.67	41,149.67
Totals, 1939-----	\$42,345,916.25	\$41,149.67	\$42,387,065.92



Year Ended June 30:	Expenditures		
	State Funds	Federal Grants	Total
<b>1940</b>			
General Fund .....	\$493,298.63	-----	\$493,298.63
S. E. R. A. Fund .....	50,488,106.12	-----	50,488,106.12
Special Deposit Fund .....	-----	\$31,408.36	31,408.36
Totals, 1940 .....	\$50,981,404.75	\$31,408.36	\$51,012,813.11
<b>1941</b>			
General Fund .....	\$550,099.71	-----	\$550,099.71
S. E. R. A. Fund .....	26,538,757.11	-----	26,538,757.11
Special Deposit Fund .....	-----	\$4,371.03	4,371.03
Totals, 1941 .....	\$27,088,856.82	\$4,371.03	\$27,093,227.85
<b>1942</b>			
General Fund .....	\$191,736.08	-----	\$191,736.08
S. E. R. A. Fund .....	450,314.97	-----	450,314.97
Totals, 1942 .....	\$642,051.05	-----	\$642,051.05
<b>1943</b>			
General Fund .....	\$90,140.15	-----	\$90,140.15
S. E. R. A. Fund .....	—145,738.88	-----	—145,738.88
Totals, 1943 .....	—\$55,598.73	-----	—\$55,598.73
<b>1944</b>			
Controller, SRA			
Restitutions Fund .....	\$51,538.24	-----	\$51,538.24
General Fund .....	2,968.14	-----	2,968.14
S. E. R. A. Fund .....	—3,948.59	-----	—3,948.59
Totals, 1944 .....	\$50,557.79	-----	\$50,557.79
<b>All Years</b>			
General Fund .....	\$2,632,949.01	-----	\$2,632,949.01
S. E. R. A. Fund .....	223,099,471.45	\$143,791,945.02	366,891,416.47
Special Deposit Fund .....	-----	27,214,504.11	27,214,504.11
Controller, SRA			
Restitutions Fund .....	51,538.24	-----	51,538.24
Grand Total .....	\$225,783,958.70	\$171,006,449.13	\$396,790,407.83

## APPENDIX H

State of California  
Department of Employment

Research and Statistics  
March 26, 1945

**COST COMPARISON OF PRESENT FORMULA  
AND 26 WEEKS UNIFORM DURATION**  
(Based on sample of 11,973 claimants, BPE 7-1-41 to 6-30-42)

Base Period Earnings	Cost			Increase		
	Present formula	26 weeks uniform not to exceed $\frac{1}{2}$ BPE *	26 weeks uniform	B over A	C over A	C over B
	A	B	C			
Total actual cost-----	\$56,694,673	\$63,020,748	\$69,587,017	\$6,326,075	\$12,892,344	\$6,566,269
\$300- \$399-----	7,510,980	7,799,749	10,833,409	288,769	3,322,429	3,033,660
400- 499-----	6,284,950	6,973,714	8,065,476	688,764	2,380,526	1,691,762
500- 599-----	5,562,845	6,258,326	7,247,216	695,481	1,684,371	988,890
600- 699-----	4,410,609	5,069,483	5,592,003	658,874	1,181,394	522,520
700- 799-----	4,143,853	4,907,909	5,145,384	784,056	1,001,531	237,475
800- 899-----	3,516,183	4,308,266	4,374,581	792,083	858,898	66,315
900- 999-----	3,552,058	4,012,139	4,037,786	460,081	485,728	25,647
1,000-1,099-----	3,751,979	4,161,592	4,161,592	409,613	409,613	-----
1,100-1,199-----	2,768,645	3,086,785	3,086,785	318,140	318,140	-----
1,200-1,299-----	2,283,374	2,532,146	2,532,146	248,772	248,772	-----
1,300-1,399-----	2,287,120	2,588,569	2,588,569	301,440	301,440	-----
1,400-1,499-----	1,903,773	2,068,980	2,068,980	165,207	165,207	-----
1,500-1,599-----	1,390,688	1,511,472	1,511,472	120,784	120,784	-----
1,600-1,699-----	1,309,199	1,415,449	1,415,449	106,250	106,250	-----
1,700-1,799-----	940,987	1,002,050	1,002,050	61,063	61,063	-----
1,800-1,899-----	1,021,591	1,097,920	1,097,920	76,329	76,329	-----
1,900-1,999-----	729,097	776,116	776,116	47,019	47,019	-----
2,000-2,099-----	607,581	629,564	629,564	21,983	21,983	-----
2,100-2,199-----	448,205	459,197	459,197	10,992	10,992	-----
2,200-2,299-----	310,813	324,857	324,857	14,044	14,044	-----
2,300-2,399-----	176,473	180,137	180,137	3,664	3,664	-----
2,400-2,499-----	154,490	158,765	158,765	4,275	4,275	-----
2,500-2,599-----	170,977	177,084	177,084	6,107	6,107	-----
2,600-2,699-----	155,712	161,818	161,818	6,106	6,106	-----
2,700-2,799-----	115,410	119,074	119,074	3,664	3,664	-----
2,800-2,899-----	101,976	103,197	103,197	1,221	1,221	-----
2,900-2,999-----	99,533	101,976	101,976	2,443	2,443	-----
3,000 and over-----	983,363	1,034,414	1,034,414	48,851	48,851	-----
Total potential cost-----	\$102,400,000	\$129,500,000	\$150,200,000	\$27,100,000	\$47,900,000	\$20,800,000

\* BPE means base period earnings (one year).

## APPENDIX I

Research and Statistics  
January 17, 1945

California Department of Employment

## SUMMARY OF BENEFIT PAYMENT EXPERIENCE

	<i>Year in which benefit year ended</i>			
	<i>1940 *</i>	<i>1941</i>	<i>1942</i>	<i>1943</i>
Valid new claims filed-----	340,000 *	392,000	349,700	250,000
Potential Liability				
Total of awards-----	\$53,000,000	\$108,309,000	\$97,867,000	\$73,292,000
Average award-----	\$155	\$276	\$280	\$293
Average weekly rate-----	n.a.*	n.a.*	n.a.*	\$15.74
Average duration (weeks) --	n.a.*	n.a.*	n.a.*	18.6
Benefit Payments				
Amount paid-----	\$36,000,000	\$67,294,000	\$47,212,000	\$24,716,000
Average payment/claim ----	\$106	\$172	\$135	\$99
Average duration (weeks) of all claims-----	n.a.*	n.a.*	n.a.*	6.3
Percent of awards paid-----	68	62	48	34
Per cent claimants exhausting	56	44	27	17

\* Ten months figures during life of emergency schedule.

\* Data not available.

## APPENDIX J

### DIGEST OF SEASONALITY PROVISIONS IN THE LAWS OF OTHER STATES

#### Modified benefit rights of seasonal employees:

- 1—Alabama— Seasonal industry defined: Where it is customary because of seasonal nature of work to lay off 40 per cent or more of the workers for at least an eight-week period recurring regularly each year.  
(No industry is seasonal until commission so rules.)  
Seasonal worker defined: An individual in a seasonal industry.
- 2—Alaska— Seasonal industry defined: Where it is customary because of seasonal nature of work to operate only during a regularly recurring period of less than one year.  
(No industry is seasonal until commission so rules.)  
The claim of worker is not valid until beginning of next recurring seasonal period.
- 3—Arizona— Seasonal industry defined: Where it is customary because of seasonal nature of industry to operate only during a regularly recurring period of less than 44 weeks in a calendar year.  
(Commission determines the longest seasonal period.)  
Seasonal worker defined: An individual in a seasonal industry and who is not engaged in any other work during the off season.
- 4—Arkansas— Seasonal industry defined: Where it is customary because of seasonal nature of work to lay off 40 per cent or more of workers for at least a 16-week period recurring regularly each year.  
(No industry is seasonal until commission so rules.)  
Seasonal worker defined: An individual in a seasonal industry, provided the employment record does not show he is also engaged in an industry which continues substantially the year around.  
No benefits payable for unemployment outside the seasonal period.
- 5—Colorado— Seasonal industry defined: Where it is customary of seasonal nature of work to operate only during a regularly recurring period of less than 25 weeks in a calendar year.  
(No industry is seasonal until commission so rules.)  
Seasonal worker defined: An individual receiving more than 50 per cent of his wages from seasonal industry; providing that no worker shall be deemed seasonal who receives more than \$300 per year.  
No benefits to seasonal worker shall exceed one-third of total wages received in base period from seasonal work, nor one-third of total wages received from nonseasonal work during base period.
- 6—Delaware— Seasonal employment defined: No industry shall be deemed to provide seasonal employment that is not the first processing of agricultural products.  
Seasonal worker defined: An individual in seasonal employment and who is not engaged in other work during the off season.  
No benefits payable during January, February, March, April, November or December where more than 75 per cent of base period wages from seasonal employment.



## 7—Florida—

**Seasonal employment** defined: Where work performed in hauling, grading, packaging or packing of fresh citrus fruit during the seasonal period.

**Seasonal period** defined: That period beginning October 1st and ending June 30th of the succeeding year.

**Seasonal worker** defined: An individual with more than 60 per cent of his base period wages in seasonal employment, provided that an individual receiving at least \$25 in each calendar quarter in his base period shall not be a seasonal worker.

Benefits for unemployment during the off season shall not exceed one-sixth of wages received for nonseasonal work.

## 8—Georgia—

**Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate only during regular recurring period of less than 40 weeks each year.

(No industry is seasonal until commission so rules.)

**Seasonal worker** defined: An individual in a seasonal industry who is not ordinarily engaged in work during off season.

## 9—Hawaii—

**Seasonal pursuit** defined: Where an industry because of seasonal nature of work as shown by past three years' experience is such that employment is limited to regularly recurring periods of less than 26 weeks.

**Seasonal worker** defined: An individual in a seasonal pursuit, provided that no worker shall be deemed seasonal unless his wages from seasonal work during his base period amounts to at least 25 per cent of all wages paid to him during his base period (including wages from seasonal work).

## 10—Maine—

**Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate during a regular recurring period of less than 40 weeks each year.

(No industry is seasonal until commission so rules.)

## 11—Massachusetts—

**Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate only during a regular recurring period of less than 40 weeks, and the individuals employed are not ordinarily employed in the off season.

(No industry is seasonal until director so rules.)

## 12—Michigan—

**Seasonal employer** defined: Where in the *processing of agricultural* products because of seasonal nature of work it is customary to operate less than 30 weeks during a regular recurring period each year.

NOTE: An employer of seasonal status is subject to contributions at a flat rate of 3 per cent of pay rolls and provisions relating to merit rating do *not apply* to such an employer.

## 13—Minnesota—

**Seasonal employment** defined: Where in the *first processing of agricultural* products because of seasonal nature of work it is customary to operate only during a regularly recurring period of less than 26 weeks in any year.

(No employment is seasonal until *director* so rules.)

## 14—Mississippi—

**Seasonal industry** defined: Where it is customary because of seasonal nature of work to lay off 40 per cent of workers for at least eight weeks during a regularly recurring period each year.

(No industry is seasonal until commission so rules.)

**Seasonal worker** defined: An individual employed in a seasonal industry in his base period. Further requirements to be imposed by regulations of commission.

- 15—Missouri— **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate only during a regular recurring period of less than 15 weeks each year.  
(No industry is seasonal until commission so rules.)  
**Seasonal worker** defined: An individual engaged in seasonal industry and not ordinarily engaged in work during off season.
- 16—New York— **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate only during a regular recurring period of less than one year.  
(No industry is seasonal until commission so rules.)  
**Seasonal worker** defined: An individual in a seasonal industry who is not ordinarily employed during the off season.
- 17—North Carolina— **Seasonal industry** defined: Where it is customary because of the seasonal nature of the work to operate only during a regular recurring period each year of more than four weeks but less than 36 weeks.  
**Seasonal worker** defined: An individual in a seasonal industry who has earned at least \$10 during preceding seasonal period. Limited to unemployment benefits during longest seasonal period.
- 18—Ohio— **Seasonal employment** defined: Where it is customary because of seasonal nature of work to operate less than 36 weeks out of a year in a regular recurring period. Benefits limited to longest seasonal period. Commission has discretion as to period and number of weeks required to qualify.
- 19—Oregon — **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate during a regular recurring period of less than one year. Commission given wide discretion as to (a) seasonal industry, (b) right to benefits, (c) conditions for payment.
- 20—South Carolina— **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate during a regular recurring period of less than 40 weeks.  
(No industry is seasonal until commission so rules.)  
**Seasonal worker** defined: An individual engaged in seasonal industry.
- 21—South Dakota— Complete discretion given to commission to determine when an industry is seasonal in nature and the benefit rights payable thereunder.
- 22—Vermont— **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate during regular recurring period of less than one year.  
Benefit rights limited to longest seasonal period. Commission given considerable discretion.
- 23—Virginia— **Seasonal industry** defined: Where it is customary because of seasonal nature of work to operate during a regular recurring period of less than 40 weeks each year.  
**Seasonal worker** defined: An individual engaged in seasonal industry and not ordinarily employed during off season.
- 24—Washington— **Seasonal employer** defined: Where it is customary because of seasonal nature of work to reduce employment during regular recurring periods so that for any period continuing for two months the total pay roll is less than 50 per cent of the total pay roll for any two consecutive months during full employment.  
(No employer is seasonal until commission so rules.)  
**Seasonal worker** defined: An individual whose wage credits during his base periods are at least 80 per cent from seasonal employment.
- 25—Wisconsin— No benefits to an employee in canning of only fruits or vegetables if employed within the active canning season, unless wages of \$100 or more during the year from other than employer in the seasonal industry.

## APPENDIX K

State of California  
Department of Employment

Research and Statistics  
March 19, 1945

WEEKS COMPENSATED AND AMOUNT OF BENEFIT PAYMENTS  
IN CALIFORNIA  
1944

	Weeks Compensated			Amount of Payments		
	Total	California	Out-of-State	Total	California	Out-of-State
Total -----	577,944	549,500	28,444	\$9,978,680	\$9,448,207	\$530,473
January -----	35,984	33,746	2,238	593,391	552,028	41,363
February -----	49,898	47,705	2,193	857,224	816,673	40,551
March -----	81,752	79,625	2,127	1,401,099	1,362,333	38,766
April -----	58,276	56,459	1,817	1,001,047	968,002	33,045
May -----	56,190	54,169	2,021	953,394	916,414	36,980
June -----	53,377	50,890	2,487	903,714	857,486	46,228
July -----	36,570	33,861	2,709	623,103	572,735	50,368
August -----	34,444	32,033	2,411	605,242	560,075	45,167
September -----	37,169	34,256	2,913	655,761	600,171	55,590
October -----	35,386	32,511	2,875	627,091	573,430	53,661
November -----	46,307	43,690	2,617	818,737	769,063	49,674
December -----	52,591	50,555	2,036	938,877	899,797	39,080

## APPENDIX I.

CALIFORNIA DEPARTMENT OF EMPLOYMENT  
STATEMENT OF EXPENDITURES FROM THE UNEMPLOYMENT ADMINISTRATION FUND  
FOR THE PERIOD NOVEMBER 26, 1935 TO JUNE 30, 1944

Period	Total Employees as of June 30	Department of Employment			Services for United States Employment Service				Grand Total
		Personal Services	Maintenance and Operations	Capital Outlay	Total	Personal Services	Maintenance and Operations	Capital Outlay	Total
Period November 26, 1935, to June 30, 1936	---	\$35,483 02	\$27,793 85	\$15,022 06	\$78,298 93	---	---	---	---
Fiscal Year July 1, 1936, to June 30, 1937	---	467,809 39	224,291 71	54,733 88	746,834 98	---	---	---	---
Fiscal Year July 1, 1937, to June 30, 1938	---	2,369,323 95	1,007,127 92	444,251 41	3,820,703 28	---	---	---	---
Fiscal Year July 1, 1938, to June 30, 1939	---	3,469,522 59	1,082,456 96	89,569 54	4,641,549 09	---	---	---	---
Fiscal Year July 1, 1939, to June 30, 1940	2,124	3,346,277 73	1,142,116 86	19,080 21	4,507,474 80	---	---	---	---
Fiscal Year July 1, 1940, to June 30, 1941	2,424	3,689,037 81	1,230,940 42	30,571 65	4,950,549 88	---	---	---	---
Fiscal Year July 1, 1941, to June 30, 1942	1,244	2,996,578 21	836,465 42	118,017 33	3,951,060 96*	---	\$206,969 25	\$16,705 80	\$223,675 05
Fiscal Year July 1, 1942, to June 30, 1943	1,120	2,145,766 93	602,685 02	4,409 02	2,752,860 97	---	316,571 33	4,965 29	321,536 62
Fiscal Year July 1, 1943, to June 30, 1944	938	1,944,518 41	581,803 59	16,710 70	2,543,032 70	\$70,904 88	376,285 56	7,968 73	455,159 17
Grand Total	---	\$20,464,318 04	\$6,735,681 75	\$792,365 80	\$27,992,365 59	\$70,904 88	\$899,826 14	\$29,639 82	\$1,000,370 84
									\$28,992,736 43

\* On January 1, 1942, the employment service activities of the Department of Employment were transferred to the Federal Government as a war time emergency requirement. The only expenses incurred for employment service work since January 1, 1942, consist of special services provided to the United States Employment Service primarily for rental of premises and other related maintenance expenses.



## APPENDIX M

## I

At page 100, the record of the hearing before the Senate Interim Committee on Unemployment Insurance, March 9, 10, 11, 1944, at Los Angeles, California, reads as follows:

MR. MASHBURN:

"Individually. In two cases they were not building firms, but were real estate firms subcontracting all their work. They have incorporated under Tuxedo Homes. That is one project which will probably last about 18 weeks. Secondly, they are incorporated under Beverly Homes, which is a separate project; and Boulevard Homes, under still another project. The same people may operate with these three corporations, and I have been given to understand under the law they do not need to pay unemployment insurance.

CHAIRMAN SHELLEY:

"Unless they employ four or more people for 20 weeks or more.

MR. MASHBURN:

"That's right.

"Here is another type of subterfuge to keep from paying. A building contractor who has been for the past four or five years, or whatever it may be, subject to and paying to the Unemployment Insurance Fund and collecting from their employees, now becomes a real estate operator or subdivider, subcontracting all the work on the job. He employs no one directly, at all. They are all employed by the subcontractor—carpenters, plumbers, electricians, etc. Some of them are not subject to the Unemployment Insurance because they are such small employers, and because of another reason. We can't catch some of them because they spread their employment over a period of time because they are small. For instance, suppose they employed 15 or 16 men for a period of five or six weeks, or even 18 weeks; but for the rest of the year they employed only two or three, or the contractor worked himself on the job. So he spreads his employment out as seven men per day per week for a period not to exceed 20 weeks. So the average total of these employees does not make him subject to the act because he can spread them out. He usually carries his books in his hip pocket—not his check book because he doesn't usually have one. This is depriving the fund of its proper amount of income in that respect. It is depriving the employees who are working on intermittent employment, of their compensation, and it is also unequal for the fellow who is going along with the program. The law should be so written as to prohibit such subterfuge as that. It should not be permitted.

"We have one other condition of that kind here, but I do not have the facts or figures to back it up, except that when a nonunion contractor signs an agreement to become a union contractor, if we find out he is not paying unemployment insurance we can prove our points. I have mentioned spreading employment. That can easily be shown on the steward's cards where they keep a time record.

CHAIRMAN SHELLEY:

"If that type of situation exists, naturally two things occur. The fund is being denied money to which it is rightfully entitled and the standing of these employees is very greatly impaired because after they leave that employer they have to work and they have to establish a whole new credit before they can collect.

MR. MASHBURN:

"They may stay with that type of employer because several in this area at present are not entitled to unemployment insurance at all, but if they are they have a break in continuity and with intermittent work such as the building trades, if we have this slump such as we anticipated in the postwar period, he is going to be in a difficult position. That is why we are so interested in that particular point of the law.

**CHAIRMAN SHELLEY:**

"Let's see if I understand what you are driving at.

"You are a contractor. You have been 10 years; so am I, and so is Senator Powers. We have engaged in operations on a widespread scale; we get big jobs and we have been covered employers; our employees are covered. The three of us get together and we bid on some job and we get that job, and we get priorities for enough material to cover 16 or 18 weeks. We set up a new corporation first—a new fictitious corporation called the Southern California Building Corporation. We employ the same people that you and Senator Powers and I have been employing for years.

**MR. MASHBURN:**

"In many cases that is right.

**CHAIRMAN SHELLEY:**

"But they are now employed by this new corporation, not by you or me or Powers as individuals, but by this new corporation. The work only lasts 18 weeks, and under Section 9 (a) of this act, the employers need make no report until they have employed those men for 20 weeks or over. But at the end of 20 weeks the job is done. If there is something more to do on the job we set up under a new corporation or go in and take a new job.

**MR. MASHBURN:**

"They take a plot of land and build up to that point and take priorities and build up to that amount. If it goes past 20 weeks they are subject to the act. There are four or five left whom we don't know about. We have corrected that situation pretty well, supply and demand has corrected it, because the men refused to work unless unemployment insurance was paid. But we are interested in the postwar period. If the law permits them to do it at the present time, then when you have everybody vieing for jobs and supply the demand, then we are going to deplete the fund. I think there was a condition in the Federal Housing Administration where, because of the small margin permitted, it caused them to reincorporate, not to be responsible in their own corporation, so if losses occurred it would be on someone else.

**SENATOR POWERS:**

"These contractors would reincorporate every 18 weeks, or they could not get away with it under the present law.

**MR. MASHBURN:**

"They are doing it.

"One firm in business here for a number of years, at least 10 that I know of, with the same personnel, who have one, two, three, four, five—five different jobs, so they have five different firms incorporated at the same time.

**CHAIRMAN SHELLEY:**

"Can you give us the actual names?

**MR. MASHBURN:**

"We will be glad to furnish the list of names, the location, the new corporation, and location of the jobs, if you want them.

**CHAIRMAN SHELLEY:**

"We would be glad to have it. We will be here until the end of the week, and we will be glad to have it here at the State Building, or you can bring it to us at the Biltmore \* \* \*

**II**

At page 46 the record of the hearing before the Senate Interim Committee on Unemployment Insurance, November 13, 14, 1944, Los Angeles, California, reads as follows:

**BERNICE SAUNDERS—(Central Casting Corporation)**

"Well, we do all the casting for the major studios and we have around 2,000 children registered aged from two weeks to 18 years. Out of the 2,000 children we don't always use all of them, but we have to have them available. They are racials and white

children. The racials include Chinese, colored children, Mexicans, Arabians, and the various different races and classes. Sometimes we don't have calls for some of the races, but we have had runs on Chinese children, especially lately. The ages we use mostly are six to 12 years. Sometimes we have runs on high school children from 14 to 18 years of age. We do all the casting for the extra children and they are paid up to \$16.50 a day. The child must go to the Board of Education every three months for a new examination card. Cards are issued by our office for them to go. They must have a very good school record and must have very good health, otherwise their permit is refused. All children under 12 years of age must go every three months for a physical examination, and children from 12 to 18 every six months. If the child has bad tonsils or bad teeth or whatever the Board of Education doctor thinks has to be remedied, he will not get a permit until the condition is corrected. When it is fixed, he goes back to the Board of Education and can receive his permit.

Our calls come in from studios on the teletype, giving age and type of children they want. These children are picked out of the files by ages and types and if they have a good permit. Naturally, if the permit has expired even one day, they are not called. When these calls come in from the studios they are filled immediately with these children according to age and type and race. Then they are sent to the State Labor Department. That is, their names are sent to the State Labor Department so that they can give an O. K. on them.

If we try to call the child and the mother is not at home, we don't wait for that child of that mother because our calls must be in to the State Labor Department by 3 or 4 o'clock every afternoon and 10 o'clock Saturday morning.

I guess that is most of the details. Are there any questions you would like to ask?

SENATOR JUDAH

Miss Saunders, what did you say the amount earned by these children is?

MISS SAUNDERS

Well, children that stand in get different amounts ranging from \$8.25, \$10.50 and \$16.50.

SENATOR JUDAH

Is that per day?

MISS SAUNDERS

Yes, and occasionally they get only \$5.50. That is not often. If they are wearing dress clothes, that is, evening clothes or tuxedos, they will be paid \$16.50 a day because of the type of clothes they are wearing.

SENATOR JUDAH

There is hardly a case but where these child actors earn the minimum amount under the law to qualify them for Unemployment Insurance; isn't that right?

MISS SAUNDERS

A number of them do; of course, some of them don't.

SENATOR JUDAH

Do you have any idea as to the figures on how many do and how many do not?

MISS SAUNDERS

No, I don't think I have. I think Mr. Philbrick can answer that, perhaps, but I wouldn't know.

SENATOR JUDAH

In your case the school department furnishes the permits and functions perfectly in regard to the permits and you take care of that in your own office, do you not? That is, you take care of it yourself out of your office?

MISS SAUNDERS

That is right.

CHAIRMAN SHELLEY

Are there any other questions? (None.) All right, Miss Saunders, we may call you back later. Thank you. Will you take the stand, Mr. Philbrick?

**HOWARD R. PHILBRICK—(Central Casting Corporation)**

I presume that the best place to start is to give your committee some idea of the number of children that are employed in the production of motion pictures. Bear in mind, however, that the figures that I will give you are only those pertaining to extra employment. Extra employment being those individuals who are background or atmosphere children as distinguished from actors who are portraying roles. My figures on the employment of actors are only approximate. I didn't have sufficient time to canvass the studios and our tabulating equipment never touched in the age bracket there and there could be error in those figures.

Central Casting, as Miss Saunders said, handles the placement for all major motion picture companies in Hollywood area, 10 in number, and a few minor ones. Another organization outside of our association also employs children.

We have employed 1,154 in the first three quarters of the present year between the ages of birth and 18 years of age. There are approximately, in addition to that number, 261 free lance performers or contract performers in the same age brackets. The spread in age I have scheduled out for you. Would you like me to read it into the record?

**CHAIRMAN SHELLEY**

Yes, by all means.

**MR. PHILBRICK****CHILDREN'S REPORT 1944**

<i>Age Bracket</i>	<i>Number of Children</i>	<i>Gross Dollars</i>	<i>Average Earnings</i>
0-1 year -----	38	\$1,504 88	\$39 60
1 year -----	24	1,638 64	68 28
2 years -----	14	389 88	27 85
3 years -----	23	654 58	28 46
4 years -----	19	508 51	26 76
5 years -----	9	572 93	63 66
6 years -----	71	8,149 93	114 79

I think Miss Saunders mentioned that the employment of minors became heavy from six years and above. The working conditions that are in the statute books and promulgated by the State Labor Department are very stringent on the employment of very young children.

<i>Age Bracket</i>	<i>Number of Children</i>	<i>Gross Dollars</i>	<i>Average Earnings</i>
7 years -----	50	\$6,235 48	\$124 71
8 years -----	53	7,190 63	135 67
9 years -----	65	9,564 90	147 15
10 years -----	74	8,508 88	114 98
11 years -----	84	13,633 76	162 31
12 years -----	80	10,295 01	128 69
13 years -----	61	5,776 61	94 70
14 years -----	92	9,962 66	108 29
15 years -----	67	4,398 12	65 64
16 years -----	50	3,604 06	72 08
17 years -----	17	2,115 24	124 43

Now, if any of you have added those figures you will note that you are 263 short in the total. Two hundred sixty-three children appearing in our accounting record have no age listed. However, although we have no age on those children, we know they would generally spread back into the foregoing figures at about the same ratio as our records now show. I don't want you to think that nobody knows how old those children are—those 263 children. But they were children submitted to us by name. That is, the studio itself might have obtained the permit from the Board of Education and simply sent us the name of John Doe and we have no basic data on that particular group of children, so I couldn't spread them through the age brackets, but with the number involved in the statistical report, it should tally out.

Now, this 1,154 children as a group earned \$109,428.09 at extra work.

We have also distributed for whatever assistance it may be to you the average earnings by age bracket. Averages in this type of employment where you have such



high extremes and such low extremes, produces an artificial average from a statistical point of view and the extreme high and extreme low should be listed in order to give you a true picture. However, I can submit a copy of that data for the record later. I think I have sufficient copies of this information for all members of the committee; in fact, I know I have.

#### CHILDREN'S REPORT 1944

<i>Dollar Earning Group</i>	<i>Number of Children</i>	<i>Gross Dollars</i>	<i>Average Earnings</i>
\$0-\$100 -----	785	\$26,697 28	\$36 56
100- 200 -----	208	28,746 47	138 20
200- 300 -----	89	21,963 28	246 78
300- 400 -----	43	14,798 71	344 16
400- 500 -----	17	7,499 55	441 15
500- 600 -----	6	3,239 20	539 87
600- 700 -----	3	1,924 59	641 53
700- 800 -----	1	725 82	725 82
800- 900 -----	1	840 94	840 94
900-1000 -----	1	992 25	992 25

\* \* \* \* \*

#### CHAIRMAN SHELLEY

Suppose you don't read the names, just give us the facts.

#### MR. PHILBRICK

You know how it is, all the mothers believe that their children are better performers than the other children.

#### CHAIRMAN SHELLEY

Just refer to them as Case A, Case B, Case C, et cetera.

#### MR. PHILBRICK

All right. Case No. 1 involves the employment of twins aged nine months. Each twin, that is, each child earned \$631.50 in a period of approximately six weeks in addition to which the mother earned approximately \$300 in the same period of time. She was essential to the hiring of the children. During the same three-quarter period the children had extra talent employment at a different studio amounting to \$31, or rather one of the children did—\$31.50. I mentioned that they were nine months of age, did I not?

#### SENATOR JUDAH

Mr. Philbrick, it is obvious that at nine months of age they are not available for work when they get through at the studio.

#### MR. PHILBRICK

Well, I am not an expert at employment, but I wouldn't want the job of having to find them employment. Case No. 2 is a child of 14 years of age, earning \$612.50 at one studio and \$1,429.17 or a total in excess of \$1,800 for the first three-quarters of this year.

#### CHAIRMAN SHELLEY

What was the age of that one?

#### MR. PHILBRICK

Age thirteen. Case No. 3 is aged 14, earning \$2,718.60. Case No. 4 aged eight in 1943 earned \$794.62; in 1944 for the first three quarters earned \$1,212.25 at one studio plus \$992 in general extra work in 1944. I thought it might be helpful to you if in at least one case I bracketed the earnings into quarters, starting with 1943 in the first quarter, \$16.50; second quarter, \$276.75; third quarter, \$126, and fourth quarter, \$375.75. In 1944, first quarter, \$434.50; second quarter, \$354.75, and the third quarter, \$403.

Case No. 5, general extra work, earned \$345.63 at one studio and \$1,366.50 at another studio and \$988 in a third, all in 1944, or earnings slightly in excess of \$2,500. This child was 13 years old.

Case No. 6 is a boy of 13 earning \$1,975.01.

Case No. 7, a child, a boy of seven years of age, earned \$3,000.

## SENATOR CUNNINGHAM

Seven years old.

Case Number 8, child age two months earned \$1,500—age two months—\$710 earned in the first three quarters of this year at one studio \$47.25—pardon me, I am in error on this. This is \$1,300 earning \$610 at one studio and \$710 at the other studio. I might say in checking this data I originally intended to sample any one studio, but to keep the name of that studio, if I could, confidential and present it as typical of the employment at one particular studio, but then it came to my attention that a great many of these children are free lance performers and had very substantial earnings at other studios, so that is the reason for breaking it into these fragmentary items.

The next case is a child age 10 earning \$913.34 at one studio, \$35 at the other studio. Child age 14 earned \$3,366.67. Child age two months, \$1,540. Here is one I have no age on. Here is one age 14, \$1,478.83. Another age 14, \$725. For your guidance in some of the higher earnings, we might take the last case. That sum of money was earned on a rate of approximately \$300 a week, so it would give you some idea of the time which the child would be required to work to build up earning credits to make him eligible for Unemployment Insurance benefits. That completes the typical examples on the acting side of the employment of minors. There are, of course, a great many children who have no earnings at all as compared to this, and there are many who are full-fledged actors, AJ or AM members of the Screen Actors' Guild, in the 14 to 18 age bracket whose employment is quite small for a number of reasons. They are having their teeth straightened or the type of employment has changed or something. That is all I have in mind, but if there are any questions, I will be glad to answer them.

## CHAIRMAN SHELLEY

May I ask a question? Although I am familiar with the commission's rules on the student angle in connection with the youngsters employed in studios, I would like to know—are there educational facilities held out to these children by the studios—that is, by the studios themselves?

## MR. PHILBRICK

Very definitely. There have been inferences here that the Board of Education and other regulations are not too stringently enforced at this time, but I think without fear of contradiction, I can say that in the employment of children in motion picture work it would only be a freak accident that would permit a child to be employed with a permit not of good standing. And second, no child is employed in production of motion picture work without there being a Social Welfare Worker and teacher also engaged during the school year. Let me start over. There are regulations and rules that govern the length of time that the child may appear before the camera and be rehearsed et cetera, and during the working day the child must receive its schooling just the same as if it were in the public schools. And I believe the school board selects teachers for the studios in a very careful manner, selecting teachers that can fit into various types of educational systems. I have seen some of this work and some of the teachers and I think the work they do is very good. In fact, I happened to be on a set several weeks ago with the Commissioner, Mr. Dalton, and I think one of the children there said that she liked going to the studio school and that she learned more there than in the regular school, so I don't think there is any doubt of the educational facilities.

## SENATOR CUNNINGHAM

That is maintained at your expense?

## MR. PHILBRICK

Yes, everything is maintained at the expense of the picture companies.

## SENATOR CUNNINGHAM

I notice in one or two instances you referred to remuneration for the mother of young children and in other cases you did not when children of approximately the same age were involved; what is the reason for that?

## MR. PHILBRICK

It just happened that I knew in the first case of the twins that the mother was engaged too. I don't happen to know about the other case. The studio that employed

the child carried the mother on the pay roll the same length of time in the first case. I do not know whether this is true in the second case or not.

MISS SAUNDERS

She was not paid. The baby was making \$50 a day.

MR. PHILBRICK

In the second case the mother was not employed, but under the regulations the mother was present and did accompany the child to the studio.

SENATOR CUNNINGHAM

Have you any knowledge of the number of children who seek benefits under the Unemployment Insurance Act among those you have mentioned?

MR. PHILBRICK

No, that is a bit of information that I would imagine the commission has. I would imagine that to be the exclusive knowledge of the commission.

SENATOR CUNNINGHAM

I presume we can get it from them. I just wondered if you had it.

SENATOR JUDAH

I think we have it right here."

### III

Beginning at page 82 the record of the hearing before the Senate Interim Committee on Unemployment Insurance November 13, 14, 1944, at Los Angeles, California, reads as follows:

CHAIRMAN SHELLEY

That is very fine. Come right up. Will you state your name and organization for the record.

BERT HARNISH

(State Director for Southern California of the War Manpower Commission)

Upon receipt of your letter, Senator, I broke the thing down into two component parts. As I understood your letter, the committee was interested first, to some extent, in the program and policies of the War Manpower Commission, which I propose to discuss as quickly as I can today; and second, you wanted to know the relationship between the War Manpower Commission and the United States Employment Service offices as pertains to the payment of unemployment insurance. If it is satisfactory to your committee, sir, I would like to cover the first point this afternoon, and have Mr. Christian, of the United States Employment Service, one of our executives, appear tomorrow afternoon at 2 o'clock and discuss the relationship of the USES and the payment of unemployment insurance benefits. If that is satisfactory to you, gentlemen, I will proceed on this other subject.

I prepared quickly this morning, a statement which I have presented to the secretary here. I want to go just a little bit into the historical background of USES.

By Executive Order No. 9139, issued April 18, 1942, the War Manpower Commission was established to assure the most effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war.

Executive Order 8990, dated December 23, 1941, transferred personnel of the State Employment Service, as an emergency measure, to the United States Employment Service, Social Security Board, effective January 1, 1942.

Subsequently, by Executive Order 9247, issued September 17, 1942, the USES and all functions, duties and powers of the Social Security Board in the Federal Security Agency, relating to employment service, were transferred to the War Manpower Commission.

So much for the historical background of the War Manpower Commission and the USES.

It may prove of interest to note that in Southern California, with only two exceptions, the entire executive staff of the WMC and USES are individuals previously employed by the California State Agency.



In your letter, Senator, you raised the point that certain State officials and employers have advised to the effect that the WMC controls are not working to the best interests of the industry in California.

We acknowledge, without reservation, that some State officials, employers and workers, object to the various manpower controls, and also we realize that such controls do not work to the best interests of everyone. However, we are not operating a popularity contest—and although the expression may be considered somewhat trite—there is a war on. Manpower needed to keep the "must" plants on schedule has to be obtained, although other industries may be adversely affected. Certainly all of us here agree that the materials, services and equipment needed for the successful prosecution and early termination of the war must take priority over any other activity.

What I am attempting to convey to the committee by that comment is, that high military authority, both in the War and Navy Departments, advise through their various functions or agencies the articles most urgently needed for effective prosecution of the war. After those determinations are made we set up certain "must" programs. As long as those programs are under-staffed and materials and services are behind schedule, we are referring, and will continue to refer people to those jobs, even though it is detrimental to less essential or nonessential activities.

One of the controls we put into effect on February 22, 1943 was the minimum wartime work week. The purpose of this regulation is to aid in meeting the manpower requirements of our armed services and our expanding war production program by a more complete utilization of available manpower. Effectuation of this purpose requires that in situations of labor shortage, employers do not hire new workers when their manpower needs can be effectively met by a fuller utilization of their current labor force. The application of this order has reduced the labor requirements of both essential and nonessential industry.

The wartime work week was applied to Southern California business and industry on July 22, 1943. Through modified compliance, WMC program gained 229,056 man-hours, which indicates that the application of this program added approximately 5,205 persons to the local labor market, excluding the number added through voluntary compliance (employers of less than eight of which no statistical record is available).

In July, 1944, a comprehensive report, based upon 242 Wage and Hour compliance inspection surveys, showed the following average work week schedules of firms located in Southern California: Production workers, 49.73 hours; office workers, 45.97 hours. These figures disclose that after one year of operation under the extended work week plan, local employers are maintaining work week schedules which exceed the 48-44 minimum as called for by the program. That is one program that employers as well as workers objected to.

On September 4, 1943, there was a West Coast Manpower Program instituted by Director Justice James F. Byrnes. That program was instituted primarily due to the fact that on the Pacific Coast we were far behind in our production of materials needed for our fighting forces. That West Coast Manpower Program did several things. First, it set up an Area Production Urgency Committee, composed of representatives of the various Federal agencies.

Also under that West Coast Area Manpower Program there was established an Area Manpower Priorities Committee. First the Urgency Committee establishes the relative urgency of the end product and then it goes to the Priority Committee who lists in a vertical manner the companies who make that particular product. Then we come out with a priority list. We convert the urgency of production list into a priority list. For instance, take the building trades; the military will determine which construction products are most essential to the effective prosecution of the war, and after that has been determined the Priorities Committee then puts these in relative order and that becomes the priority list and the War Manpower Commission refers the available workers to establishments in the order of their priority rating.

Members of the committee include representatives of the Army, Navy, Maritime Commission, Office of Defense Transportation, War Food Administration, Aircraft Resources Control Office, War Production Board, Selective Service, Committee for Congested Production Areas and the War Manpower Commission.

The third item under the West Manpower Program is the Committee for the Establishment of Manpower Ceilings. An employment ceiling is merely a wage rationing device for distribution of the available labor.



In other words, our committee says you may have a ceiling of so much. It is merely a rationing device in order to attempt in every manner possible—and incidentally all of these are voluntary programs, attempting to reduce ceilings in order to drive people out of the less essential or nonessential industry into essential industry. When we established ceilings in Southern California we were involved with some 30,000 employers.

\* \* \* \* \*

Possibly the committee would be interested in a quick resume of the present labor conditions in the area of Southern California. I can skip through that hurriedly, if you like. It might be of some assistance in whatever your deliberations may work into.

In 1940 the population of Southern California was 3,817,411. In 1944 the population increased to 4,450,344; or an increase of 16.6 per cent. Your labor market; that is, your workers employed in 1940 were 1,387,356, and in 1944 the total was 1,983,905, which is an upward change of 43 per cent. Boiling it down into Los Angeles County and Orange County, our population has increased in those two counties by 440,566 and our employment has increased to the extent of 460,418 people. Seventy-five per cent of all the workers I have just referred to are employed in nationally essential and locally needed establishments.

Now, we have a peculiar situation existing in the labor market. It is this: the peak of employment in Los Angeles and Orange Counties was reached in December, 1943, at which time we had 543,195 workers. This is a sample that we had taken on what we call our ES. Seventy-two reporting firms showed this 543,195 employed in December, and as of September 1st of this year that total had dropped to 475,947. That is a reduction of 68,000 or thereabouts. That many less people are in the labor market employed in Los Angeles and Orange Counties today than in December, 1943.

The peculiar part of that particular figure, gentlemen, is that that seems to be a complete disappearance of people from the labor market. Certainly your Unemployment Insurance benefit payments do not reflect any such total as that.

It is my humble opinion that that disappearance from the labor market is composed in the main of school youth who have gone back to school, and secondly, of women and men who have come into the labor market on a patriotic basis and returned to their previous existence and not filed for Unemployment Insurance.

In the aircraft industry the numbers employed jumped from 34,788 in May of 1940 to 165,000 in September of 1944, and during that time there was also a loss of approximately 67,000 workers in the airframe manufacturing industry, such as Lockheed, Douglas, North American, Northrop, etc.

**CHAIRMAN SHELLEY:**

What period would that be—that loss?

**MR. HARNISH:**

The peak in the aircraft industry was met in July, 1943, at which time in the airframe manufacturing industry 232,667 workers were employed as compared to 165,846 on September 1st, this year. That is a drop of approximately 67,000 workers.

It may be of interest to this committee to realize that the problem that faces many of us in government service, in which we are joined, of course, to the community, is the reconversion aspect of this particularly uninteresting statistical data that I have just read to you. It does seem to me that the entire State of California has a tremendous job of reconversion. I look at it rather as a conversion problem, instead of reconversion, that we are going into. Certainly these tremendous plants with their enormous employment is going to present quite a problem. Up to the present time we have considered 274 applications for reconversion, of which we have denied only 40. We have approved 234 of those reconversion projects.

In conclusion, gentlemen, I want to bring forth the major problems with which we now have to contend:

1. An increasing difficulty in holding workers in war plants.
2. Decreasing number of workers coming into local employment offices.
3. Increasing evaporation from the labor force—the loss of 1,000,000 in September can not all be accredited to students returning to school. That loss included a large number of others.
4. Increasing difficulty in effecting releases from less essential for transfer to war jobs. Many employment offices report a growing number who come in from war jobs and ask for transfer to less essential activities.

5. A growing protest against all controls.
6. Low pay and relatively bad working conditions.

That sums up my statement, gentlemen. I would be very happy to answer any questions tomorrow afternoon. Also Mr. Christian will be here then to discuss with the committee our operations that apply to the Unemployment Insurance benefits. I would like to make one statement off the record at this time.

\* \* \* \* \*

Beginning at page 189 the record of the hearing before the Senate Interim Committee on Unemployment Insurance November 13, 14, 1944, at Los Angeles, California, reads as follows:

**MR. CHRISTIAN**

My name is Walter O. Christian. I am a Field Representative of the War Manpower Commission.

**SENATOR JUDAH**

We understand, Mr. Christian, that you are to supply additional information following an appearance here yesterday by Mr. Harnish of the War Manpower Commission, particularly applied to the operation of the Unemployment Insurance Act. That is the subject on which you are to give testimony?

**MR. CHRISTIAN**

It was my understanding, gentlemen, that you would like to know the present procedures, the cooperative measures in the local office, plus the current trends in the USES, on Unemployment Insurance operation.

**SENATOR SHELLEY**

May I say there is one thing that is in my mind that I want to ask about and I think it is in the minds of the Committee. I want to put it in front of you right now, Mr. Christian. We are a little bit at a loss to understand the situation when we see all this advertising and hear all these radio programs on National hook-ups, people needed in industries in California and the War Manpower Commission Canteen, which seems to be based on the supposition that there are not sufficient employable people to successfully prosecute the war effort in this State; and then on the other hand, we go to the State Unemployment Insurance records and find, for example, that for the State of California compensable claims for the month of September, 1944, were 34,281 claims. Here for the month of August, 32,271 claims. Last spring our Committee was very happy to see the number of claims even on a State-wide basis were down two or three thousand and although we can understand that some people just won't fit into certain jobs in the war effort, we can not understand certain other things. Right here in Los Angeles, we find a record of 1,226 claims for the month of October in the local office of Los Angeles alone. Here we have 3,363 claims—this isn't just Los Angeles.

I had a discussion with Mr. Kagel in San Francisco because I happen to be one of the Labor members of the Management Labor Committee of the War Manpower Commission of northern California. We find a similar situation there. We want to get this cleared up and if you can clear it up, or anybody else can, we want to hear what you have to say.

**MR. CHRISTIAN**

It is a sort of an anomalous situation. I won't guarantee to clear it up, and I'm not sure whether what I say will muddle your thinking or help it. To begin with, our demands are centered around the shipbuilding jobs and heavier industries. These are jobs which require a physically strong man to do the work. We have an increased load in the Unemployment Insurance offices that is largely composed of women. There are very few able-bodied men in this group. The men who do apply are largely professional workers, clerical workers, are men with unrelated skills, or those in the upper age bracket who can not go out and build ships or do heavy construction work which we now need. Our work here in that category is very large, and gentlemen, we couldn't do the job that the army and navy say must be done in order to win the war, with the type of labor that is available and drawing unemployment compensation now. That is the situation here; it is not quite the same as it is in San Francisco where the demand is largely in the ship repair industry.

## SENATOR SHELLEY

May I throw in this idea? The situation in San Francisco, as explained by Mr. Kagel, is that in the shipyards while they were engaged in new contracts, they employed a lot of unskilled labor and in-migrant labor who had no previous trade background, but were employed as helpers. Today the laborers in the shipyards have been quickly trained welders and burners and cutters. With the burden now shifted from construction, in the face of contract cancellations, to repair of battle damages what they need is more and more highly skilled workers. And these other people just don't fit the picture. Does that apply down here also?

## MR. CHRISTIAN

It does but not to the extent that it does in San Francisco. We are getting a big push in repair in shipyards, but we are still maintaining a fairly high average in actual production in the shipyards. That will not be true six months from now. In San Diego they have completed one contract down there and are waiting for ship repair jobs.

In part of the material I have here, Senator, I can probably point out a little better another portion of the question you ask.

## SENATOR SHELLEY

Don't let me get you off the track, but I want to give you this idea to hit upon.

## MR. CHRISTIAN

Very definitely it is not a question that is new to us. We have it thrown at us many times each week. You gentlemen, I am sure, since you have been members of this Committee, know the procedures a person must go through to file a claim, an Unemployment Insurance claim, in an office. He must go through a receptionist, through a United States Employment Service interviewer, who takes his work application and exposes him to employment opportunities. Then he makes the decision as to whether he is going on the job or not.

## SENATOR SHELLEY

I think you ought to define that expression a little more, "exposes him to employment opportunities."

## MR. CHRISTIAN

It can only be called exposing him. The interviewer compares the man's qualifications and matches that with the job opportunities open. We continually expose a man to a job and try to impress on him the need for his taking a job in a particular firm, which we will go into a little more later. After it is determined if he doesn't take the job, we get him his claim rights and send him to the Department of Employment and they continue to process. Each week he comes there to the office and he is either screened by the United States Employment Service—by screening I mean they go over the job opportunities he might be able to fill. We go through our applicant lists and offer him priority employment first. That is speaking of men. On women—and we will point out there has been a continually larger number of women available here—we try to expose them to priority jobs, but after they have been exposed and nothing is available for them, we go down below that. We have been trying to meet the problem of the rapid rise of women available here and getting them into any type of employment, and get them off our rolls. Our local office manager has been instructed from time to time to relax as much as they possibly could. We have, particularly in our ceiling program, we have relaxed almost 100 per cent. In many cases in order to carry on, it is necessary to bring women into the job. We have every indication that we have been successful in that program. I found out this morning that in the month of October we placed 1,961 more women in southern California from our office than in September. That means that fewer women are drawing unemployment compensation. You fellows there—you gentlemen—have the work load figures of California. A study of those figures and the comparison of them indicates that northern California is not paying as large a number of claims as we are in southern California. I would like to tell you why.

In cooperation with the assistant chief of the Benefits Division, Mr. Wade, various studies have been in progress during the past several months in an attempt to keep abreast of the increase of the Unemployment Insurance load. As an example, an analysis of the July load—I apologize for not being more up to date—indicates 65 per cent of our claimants in July were women. Thirty-seven per cent of these



were over 41 years of age. Forty per cent are experienced in the clerical field and an additional 40 per cent are unskilled or last employed in fruit packing or processing work, or work of similar nature. Of the 35 per cent of the total who were men 24 per cent were 50 years of age or over. In that age group you can't go out and construct refineries and lay pipes or construct ships, as we are having to do. Of this 35 per cent of men 68 per cent had professional, clerical, or sales backgrounds. A large proportion of this group had physical handicaps or deficiencies which prevented conversion into production industries. The analysis further indicated that we had a situation of virtually no claimants from among the production worker group with, however, clerical and other non-production workers being released frequently involuntarily with insufficient jobs for them to find immediate employment; since, however, our average claim extends only four weeks, it seems very likely that this frequently represents a period in which the individual is attempting to find employment, either in his last occupation or in deciding that such employment is unavailable to him, and taking his viewpoint, possibly less desirable employment. That is, after moving around for a period of four weeks he says, "I am going to have to take some other work because that big job I had laid out is no longer available."

Figures released by the Department of Employment indicate that of the 5,265 claimants per week during October in Los Angeles County, that approximately 2,000 were last employed in the aircraft industry. During a ten-month period ending September 1, 1944, major airframe companies experienced a decrease in total employment of 49,856 workers. Since there has earlier been a rather large recruitment for aircraft employment of women, workers of both sexes not normally in the labor market and of marginal workers and since spot surveys indicate that claimants came, to a large degree, from aircraft and related operations, it is easy to understand the growth of claims in Southern California as compared to Northern California. In the north, industrial activity is built largely around shipyard work and there have been no significant decreases in shipyard employment.

Current figures indicate that from January 1st to November 1st, 1944, there has been a total decrease in employment in Los Angeles County of approximately 70,000 workers. Comparing the 5,200 claims paid in Los Angeles County with the 36,000 orders in the USES offices, we find that at least two-thirds of the claimants are of the wrong sex, and a great many of the men are unable physically to qualify for the job openings. These determinations have been made through a recent survey on the adequacy of certain forms as used by the USES to notify the Department of Employment of action taken in the referral of claimants to employment. The survey of the activity at the 11th and Flower Street office indicated the following: 4492 DE 1173's were made, 1013 were for acceptance of referral, 568 were for refusal or referral, 2911 were for no openings. Of the 1013 for the acceptance of referral, a sample was taken of 254 of these cases, and of the 254 only 26 referrals resulted in hires. This by no means is an alarming percentage since in many instances, the applicant was referred to related jobs, and in some cases to jobs paying less than the applicant had previously been making since every effort is being made to place these people. There is also an indication that employers are raising the specifications on orders being currently placed with the local offices.

Approximately four tenths of 1 per cent of the total of those presently engaged in covered employment are, at this time, claimants. It is logical to conclude that as employers and employees contribute to the Unemployment Insurance Fund, a certain proportion will eventually draw benefits. This is apparently happening at this time in the case of certain individuals not ready placeable in employment even in today's labor market.

An excellent cooperative attitude is being constantly maintained between the Department of Employment and the War Manpower Commission—USES staff. When problems are present, both organizations have continually demonstrated their willingness to arrive at an equitable solution. There has been a continuing study made of trends. Necessary changes have been made in procedures, with every move pointing up to the effort to get people into jobs. A Committee of five composed of two members of the Department of Employment and three members from the War Manpower Commission—USES, has recently been formed with the objective of working out adequate provisions for necessary expansions, alterations and changes in the present operating offices or office areas and to bring the thinking of the two organizations as closely together as possible so that the end result will meet the demands that will be placed upon them. In other words, let's be ready for the tremendous load which we know we are going to have when this is over.



## MOTION TO PRINT COPIES

Senator Shelley moved that 2,000 Copies of the report of the Senate Interim Committee on Unemployment Insurance be printed.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 244

Assembly Bill No. 298

Assembly Bill No. 1044

Assembly Bill No. 1219

Assembly Bill No. 1528

Assembly Bill No. 1781

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property and assets of building and loan associations to such associations.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 298**—An act to add Section 7432, and Article 8.5, comprising Sections 7402 to 7409, inclusive, to Chapter 10 of Division 3 of the Business and Professions Code, relating to minimum price schedules for services licensed under the chapter on cosmetology.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1044**—An act to add Section 433.5 to the Political Code and to add Section 12422 to the Government Code, relating to duties of the Controller.

Referred to Committee on Local Government.

**Assembly Bill No. 1219**—An act to amend Sections 12291, 13059.2, 16441 and 16443 of the Education Code, relating to school audiometrists.

Referred to Committee on Education.

**Assembly Bill No. 1528**—An act to amend Section 10 of the Public Utilities Act, relating to the organization of the State of the Railroad Commission of California.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1781**—An act to add Section 10270.97 to the Insurance Code, relating to selected group disability insurance.

Referred to Committee on Financial Institutions.

## REPORTS OF STANDING COMMITTEES

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 3, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 114

Assembly Bill No. 270

Assembly Bill No. 2088

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

SHELLEY, Chairman

Above reported bills ordered to second reading.

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 342

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DELAP, Chairman

Above reported bill ordered to second reading.

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing, Collier, and Kuchel, as a Senate Committee on Conference concerning Assembly Bill No. 43 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## MOTION TO APPROVE SENATE JOURNAL

Senator Seawell moved that the Senate Journals of Monday, April 30, 1945; Tuesday, May 1, 1945; Wednesday, May 2, 1945; Thursday, May 3, 1945; and Friday, May 4, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 48:** By Senator Tenney—Relative to the creation of a Joint Committee to be known as the California Council on the Japanese Problems.

Referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1048**—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 19, of the printed bill, as amended, strike out "rein-"; and on line 20 strike out "sured in", and insert "underwritten by".

**Amendment No. 2**

On page 2, line 29, of said bill, strike out "reinsured", and insert "underwritten".

**Amendment No. 3**

On page 4, line 49, of said bill, after the comma following "thereof", insert "and the Pension and Retiring Annuities System heretofore established by The Regents of the University of California,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**ADJOURNMENT**

At 5.14 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 8, 1945.

JOHN F. LEA, Minute Clerk





**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SIXTY-THIRD LEGISLATIVE DAY

ONE HUNDRED TWENTY-FIRST CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Tuesday, May 8, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**MOTION TO PRINT PRAYER**

Senator Slater moved that the prayer offered by Rev. Dr. Kircher, be printed in the Journal.

Motion carried.

Lord God of Hosts, we thank Thee for this long-awaited day, and for the triumph of righteousness and freedom in Europe. We seek a speedy victory in the Pacific and the early return to their homes of those who serve on land or sea or in the air.

O God of Love, O King of Peace,  
Make wars throughout the world to cease,  
The wrath of sinful men restrain;  
Give peace, O God, give peace again.

Through Jesus Christ our Lord.—Amen.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:  
Senator Dorsey, on motion of Senator Seawell, account of illness.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John Abbonot of Sacramento.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant I. Neistadt and wife, Dr. Frieda Neistadt, of New York City.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles Theyson of Sacramento.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 390**—An act to amend Section 28.6 of the Agricultural Code, relating to collections;

**Senate Bill No. 391**—An act to amend Section 28.5 of the Agricultural Code, relating to refunds;

**Senate Bill No. 775**—An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor;

**Senate Bill No. 779**—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges;

**Senate Bill No. 780**—An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor;

**Senate Bill No. 957**—An act to amend Section 2911 of the Civil Code, relating to the extinguishment of liens;

**Senate Bill No. 958**—An act to amend Section 329 of the Code of Civil Procedure, relating to time of commencing action for foreclosure of street improvement assessment liens and duration of such liens;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of May, 1945, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 959**—An act to add Section 330 to the Code of Civil Procedure, relating to the limitation of time for sales under improvement bonds;

**Senate Bill No. 962**—An act to amend Sections 7240 and 7390 of the Streets and Highways Code, relating to liens and bonds under the "Street Improvement Act of 1913";

**Senate Bill No. 966**—An act to amend Section 3280 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1889";

**Senate Bill No. 781**—An act to amend Section 3204 of the Harbors and Navigation Code, relating to the appointment of special policemen;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of May, 1945, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 838**

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 697**

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1032

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 410

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 302

Assembly Bill No. 580

Assembly Bill No. 321

Assembly Bill No. 237

Assembly Bill No. 725

Assembly Bill No. 453

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 578

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1141

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 992

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1151

Senate Bill No. 1209

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 725**

Senator Collier moved that Assembly Bill No. 725 be re-referred to Committee on Finance.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolution was offered:

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Sections 3.1 and 3.2 to Article IX of said Constitution, relating to county superintendents of schools.

Referred to Committee on Education.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 248

Assembly Bill No. 249

Assembly Bill No. 268

Assembly Bill No. 393

Assembly Bill No. 1209

Assembly Bill No. 1534

Assembly Bill No. 2016

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Assembly Bill No. 248**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code, relating to the preparation and furnishing of indexes of registration.

Referred to Committee on Elections.

**Assembly Bill No. 249**—An act to amend Section 370 of the Elections Code, relating to the preparation of indexes of registration.

Referred to Committee on Elections.



**Assembly Bill No. 268**—An act to amend Section 5730 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

**Assembly Bill No. 393**—An act to add Chapter 11 to Division 2 of the Streets and Highways Code, relating to the naming of streets and highways and the creation of a house-numbering system in unincorporated territory.

Referred to Committee on Transportation.

**Assembly Bill No. 1209**—An act to amend Section 705 of the Vehicle Code, relating to weight limitations.

Referred to Committee on Transportation.

**Assembly Bill No. 1534**—An act to amend Section 7616 of the Business and Professions Code, relating to funeral establishments.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2016**—An act to repeal Division 7 of the Agricultural Code, relating to acts repealed by said code.

Referred to Committee on Agriculture.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25

Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were offered:

**Assembly Concurrent Resolution No. 25**—Relative to California, the Pacific, and the postwar world, creating a joint Legislative Committee and defining its powers and duties in respect thereto.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 38**—Relative to commending the Civil Air Patrol.

Above resolution ordered placed on third reading file.

#### RESOLUTIONS

The following resolution was offered:

By Senators Mixter, Hulse, and Deuel:

**Senate Resolution No. 104**

*Resolved by the Members of the Senate of the State of California*, That this body in accordance with its long-established custom and policy to pay a fitting tribute to those who have performed a "Service well done," that at this time and in this particular instance it is directed to one who has in the past shown a spirit of ambition, energy and ability; and

WHEREAS, This official cognizance is directed to one of the Members of this body, a Member of the Senate of the California Legislature in this Fifty-sixth Session, demonstrating that one can reach the pinnacles of fame and fortune in this glorious

land of opportunity, in these United States of America, under the privileges and advantages afforded to all has become a proven fact and reality;

AND FURTHER, It takes into consideration the fact that he entered as a participant in the proceedings of the California State Legislature at an early age in the year of 1899 and only after several weeks of patience, perseverance and hopeful desire, received an appointment as an attache in the State Assembly to the post of assistant to the Chief Assistant to the clerk of the Committee on Judiciary (which position and post has now and for many years past been abolished); that as a result of this appointment and opportunity he devoted his limited spare time in a careful study of the law-making procedure, scanning the volumes on the then limited law library shelves in the State Library which occupied a small corner and space in the State Capitol at that time, and thus enhanced his young legal mind with added knowledge that has in the subsequent years proven beneficial and thus established a sound foundation for his successful career; and be it

FURTHER NOTED, That only four years later, in the years of 1903 and 1904, he again returned to the State Capitol, chosen this time by the voters of his district, to the advanced post of Assemblyman. Again, 38 years later, he was again chosen by the people of his district and county to represent them in the Senate. This was in the year 1942, and he is now serving in the second Legislative Session of this term, all of which demonstrates the honor and high esteem in which the citizens of his district regard him.

So, WHEREAS, AND IN TESTIMONY, Of this high regard and esteem of his coworkers in the Senate in his demonstrating that the old proverb "Mighty Oaks from Small Acorns Grow" is a true adage; it is further

*Resolved, by the Members of the State Senate, with the exception of the honored personage to whom this resolution refers and is duly directed, That they extend to him their congratulations and best wishes for his continued success on his further climb up the "Ladder of Success" which is conceded assured due to his untiring effort, vigorous energy, eagerness and perseverance to do his part in promoting measures for the general benefit to the public welfare.*

So, TO THE HONORABLE JESSE R. DORSEY, This resolution is directed, a distinguished Member of the Senate, a native of California, former District Attorney of the County of Kern, a lifelong resident of the State of California where he has many friends far beyond boundaries of the county and district he has the honor to represent in the Legislature, and it is further

*Resolved, That the Secretary of the Senate be directed to arrange for presentation of this resolution in a suitably engrossed form to the Honorable Jesse R. Dorsey as a token of the friendship of his colleagues in this Senate.*

Resolution read, and on motion of Senator Mixter adopted.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1566

Senator Seawell moved that Assembly Bill No. 1566 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Transportation.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, May 8, 1945

MR. PRESIDENT: The Committee on Rules recommends that the standing Rules of the Senate be amended as follows. That the following paragraph be inserted at the end of Rule 7:

"The Vice Chairman of the Committee on Rules shall, in the absence of the President Pro Tempore, perform the duties, and have all powers and authority of the President Pro Tempore."

And, that Rule 21 be amended to read as follows:

"21. No standing rule of the Senate may be repealed or amended except upon an affirmative vote of a majority of the members of the Senate, one day's notice being given, but any rule not requiring more than a majority vote may be temporarily suspended by a vote of a majority of the members of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, and a rule requiring a two-thirds vote may be temporarily suspended only by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate."

SEAWELL, Chairman, Committee on Rules

**MOTION TO AMEND STANDING RULES**

Senator Seawell moved the adoption of the following amendments to Senate Rules Nos. 7 and 21, proposed by the Committee on Rules, pursuant to the notice of motion to amend given on May 4, 1945.

Insert the following paragraph at the end of Rule 7:

"The Vice Chairman of the Committee on Rules shall, in the absence of the President Pro Tempore, perform the duties, and have all powers and authority of the President Pro Tempore."

Amend Rule 21 to read as follows:

"21. No standing rule of the Senate may be repealed or amended except upon an affirmative vote of a majority of the members of the Senate, one day's notice being given, but any rule not requiring more than a majority vote may be temporarily suspended by a vote of a majority of the members of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, and a rule requiring a two-thirds vote may be temporarily suspended only by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate."

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—27.

NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented: By Senator Tenney:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Respectfully submitted.

SENATOR JACK B. TENNEY

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Natural Resources.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read first time:

**Senate Bill No. 1280:** By Senator Tenney—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Referred to Committee on Natural Resources.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Gordon:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 959.5 to the Streets and Highways Code, relating to the abandonment of county highways, declaring the urgency of this act, to take effect immediately.

Respectfully submitted.

SENATOR GORDON

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Local Government.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1281:** By Senator Gordon—An act to add Section 959.5 to the Streets and Highways Code, relating to the abandonment of county highways, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Local Government.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 397**—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

**Motion to Reconsider Assembly Bill No. 397**

Pursuant to his motion previously made, Senator Salsman moved that the Senate, at the time, reconsider the vote whereby Assembly Bill No. 397 was passed.

The roll was called, and Assembly Bill No. 397 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.



**Further Consideration of Assembly Bill No. 397****Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In lines 2 and 3 of the title of the printed bill, as amended, strike out "and to repeal Sections 629, 630, 631, 1156, 1157, and 1158".

**Amendment No. 2**

On page 3 of said bill, strike out lines 45 to 51, inclusive; and on page 4, strike out lines 1 to 12.

**Amendment No. 3**

On page 4, line 13, of said bill, strike out "18", and insert "17".

**Amendment No. 4**

On page 4, line 17, of said bill, strike out "18.1", and insert "18".

**Amendment No. 5**

On page 5, of said bill, strike out lines 10 and 11.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Concurrent Resolution No. 39**—Relative to designating the year 1948 officially as Gold Discovery Centennial Year, and the year 1949 as Gold Rush Centennial Year.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 39?

**Amendment No. 1**

In line 2 of the title of the printed measure, after "Discovery", insert "Centennial".

**Amendment No. 2**

In line 3 of the title of said measure, after "Rush", insert "Centennial".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 39 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

Above resolution ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 459**—An act to amend Section 1106.2 of the Agricultural Code, relating to eggs.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 459?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "1103", and insert "1106.2".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "1103", and insert "1106.2".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"1106.2. (a) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this article, together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcement officer.

(b) The enforcement officer may affix a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within 72 [24] hours to commence and proceed with due diligence to recondition or re-mark the same so as to comply with all provisions of this article, such eggs and their containers may be seized by any enforcement officer. *When the eggs are in cold storage the 72 hour period does not commence to run until they are removed from cold storage, and delivered to a dealer.*

(c) The district attorney of the county in which any such nuisance is found, on the relation of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less."

#### Amendment No. 4

On page 1 of said bill, strike out lines 3 to 28, inclusive; and on page 2, strike out lines 1 to 7, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 459 by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

### SECOND READING OF SENATE BILLS

**Senate Bill No. 342**—An act to amend Sections 7301 and 7302 of the Business and Professions Code, relating to the State Board of Cosmetology.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

#### Amendment No. 1

On page 2, lines 11 and 12, of said bill, strike out "hairedresser and cosmetician or".

#### Amendment No. 2

On page 2, line 17, of said bill, strike out "or teacher;" and insert "; or".

**Amendment No. 3**

On page 2 of said bill, strike out lines 18 to 22, inclusive, and insert  
“(3) Has been actually teaching cosmetology in a position requiring a license as an instructor under this chapter; or

(4) Has been actually teaching in a public school in this State requiring a Class A credential in trade, industrial and public service education for the teaching of cosmetology in the public schools of this State; or

(5) Has any combination of (1), (2), (3), and (4) of this subdivision aggregating such five years; and”.

**Amendment No. 4**

On page 2, line 23, of said bill, strike out “(d)”, and insert “(c)”.

**Amendment No. 5**

On page 2, line 24, of said bill, strike out “(e)”, and insert “(d)”.

**Amendment No. 6**

On page 2 of said bill, between lines 28 and 29, insert

“(b) Who has within one year previous to appointment been employed or has acted as an instructor in a school of cosmetology; or”.

**Amendment No. 7**

On page 2, line 29, of said bill, strike out “(b)”, and insert “(c)”.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 773**—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 557**—An act to amend Section 181 of the Agricultural Code, relating to diseased animals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 558**—An act to amend Section 690 of the Agricultural Code, relating to disposition of moneys.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 559**—An act to amend and renumber Section 509 of the Agricultural Code, as added by Chapter 436, Statutes 1943, to be numbered 509.1 of said code, relating to frozen products standards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 560**—An act to amend Section 643.2 of the Agricultural Code, relating to milk rooms.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 561**—An act to amend Section 35 of the Agricultural Code, relating to temporary provisions, conditions, standards or prices.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 776**—An act to amend Sections 1299.18, 1299.19, 1300.1, and 1300.4a of, and to add Section 1300.1a to, the Agricultural Code, relating to processors of farm products.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2005**—An act to amend Sections 1011, 1012, and 1013 of, and to add Sections 1010, 1012.5 and 1012.6 to, the Agricultural Code, relating to spray residue.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1231**—An act to amend Section 761.1 of the Agricultural Code, relating to canning tomato standards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 381**—An act to amend Section 556 of the Agricultural Code, relating to milk products.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 528**—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to Standardization requirements.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 530**—An act to amend Section 784.5 of the Agricultural Code, relating to the packing of fruits and vegetables.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 531**—An act to amend Section 154.3 of the Agricultural Code, relating to crop seed screenings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 534**—An act to amend Section 100 of the Agricultural Code, relating to quarantine and pest control definitions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 535**—An act to add a new section, to be numbered 67, to the Agricultural Code, relating to duties of the director.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 538**—An act to amend Section 34 of the Agricultural Code, relating to cooperative agreements.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 539**—An act to amend Section 110 of the Agricultural Code, relating to permits for pest shipment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 548**—An act to amend Section 221 and to repeal Sections 234.25, 234.5, 240.5, 249, 250, and 251, respectively, of the Agricultural Code, relating to bovine tuberculosis.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 549**—An act to amend Section 471 of the Agricultural Code, relating to cream.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 550**—An act to amend Sections 466 and 476 of the Agricultural Code, relating to milk.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 551**—An act to amend Section 483 of the Agricultural Code, relating to guaranteed milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 552**—An act to amend Section 484 of the Agricultural Code, relating to grade A raw milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 553**—An act to amend Section 485 of the Agricultural Code, relating to the sale of milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 554**—An act to add a new section to the Agricultural Code, to be numbered 207.8, relating to dourine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 556**—An act to amend Section 500.5 of the Agricultural Code, relating to dairy farm permits.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 536**—An act to amend Section 52.5 and 53 of the Agricultural Code, relating to the appointment, qualification, authority, and employment of persons serving as commissioners and deputy commissioners.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 13, of the printed bill, after "qualification", insert "for office".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 774**—An act to amend Sections 1261, 1262, 1263, 1264, 1267, 1268, 1269, 1272, and 1273 of the Agricultural Code, and to add Section 1266 thereto, relating to produce dealers.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 2, line 12, of the printed bill, as amended, after "product," strike out the comma, and insert "for the account of, or as the agent of, a producer of farm products;"

##### Amendment No. 2

On page 2, line 22, of said bill, after "buyer", insert a comma.

##### Amendment No. 3

On page 2, line 23, of said bill, after "receives", insert a comma.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 114**—An act to amend Section 5800 of the Labor Code of the State of California relating to workmen's compensation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, after the period, insert "Such interest shall run from the date of making and filing of an award, as to amounts which by the terms of the award are payable forthwith. As to amounts which under the terms of the award subsequently become due in installments or otherwise, such interest shall run from the date when each such amount becomes due and payable."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 270**—An act to add Sections 2262.1, 2262.2, 2262.3 and 2262.4 to, and to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after the word "theatre", insert "hereafter constructed or whenever possible in presently constructed theatres hereafter remodeled".

**Amendment No. 2**

On page 2, line 9, of said bill, after the word "theatre", insert "hereafter constructed or whenever possible in presently constructed theatres hereafter remodeled".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2088**—An act to amend Sections 6 and 10 of and to add Section 6A to the War Production Act, relating to employment and working conditions of female employees essential to the war effort.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "relating to employment and", and insert "and to amend Section 1352 of the Labor Code, relating to employment, working hours, and".

**Amendment No. 2**

In lines 3 and 4 of the title of said bill, strike out "essential to the war effort".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "act cited in the title hereof", and insert "War Production Act".

**Amendment No. 4**

On page 1, line 17, of said bill, strike out "said act", and insert "the War Production Act".

**Amendment No. 5**

On page 2, line 3, of said bill, strike out "said Act", and insert "the War Production Act".

**Amendment No. 6**

On page 2 of said bill, after line 12, insert

"SEC. 4. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 14**—An act to amend Section 4131 of the Political Code, relating to writings to be recorded.

Bill read second time, and ordered to third reading.

### RESOLUTIONS

The following resolution was offered:

By Senator Powers:

#### Senate Resolution No. 105

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week, beginning May 8, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same:

	Per day
Charles Oltman, Assistant Sergeant-at-Arms-----	\$8 00
J. L. Sherrey, Assistant Sergeant-at-Arms-----	8 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 1219**—An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

#### CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 677 was taken up.

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

#### MOTION TO POSTPONE CONSIDERATION

Senator Fletcher moved that further consideration of the amendments offered by Senators Dorsey, Donnelly and Carter be continued until the next legislative day, and be made a special order of business for 2.30 p.m.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Burns, Fletcher, Gordon, and Mayo—4.

**NOES**—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

#### AMENDMENTS WITHDRAWN

Senators Carter, Donnelly, and Dorsey withdrew their amendments to Senate Bill No. 677.

Senate Bill No. 677 ordered placed on third reading.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public



Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

#### POSTPONEMENT OF RECONSIDERATION

Senator Donnelly moved that his motion, to reconsider the vote whereby the amendments offered by Senator Carter to Senate Bill No. 677, were refused adoption, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Secretary J. A. Beek at the Desk

President Pro Tempore of the Senate Presiding

At 4.25 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 703—An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on April 27, 1945, be further amended as follows:

##### Amendment No. 1

On page 5, lines 47 and 48, of the printed bill, as amended, strike out "three thousand nine hundred dollars (\$3,900)" and insert "four thousand five hundred dollars (\$4,500)".

##### Amendment No. 2

On page 7 of said bill, strike out lines 41 to 52, inclusive; and on page 8, strike out lines 1 to 7, inclusive, and insert

"4. The fees for jurors in counties of this class shall be as follows:

For each day's attendance when not selected to serve two dollars (\$2), but in no case shall there be charged for more than one per diem on any one calendar day. For each mile actually traveled in attending court as a juror in going only, per mile, fifteen cents (\$0.15). For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents (\$1.50). For attending justice's court, for each juror sworn to try the cause, per day, in criminal cases, only, three dollars (\$3). A juror excused at his own request shall not be entitled to a per diem fee, but shall be entitled to mileage, ten cents (\$0.10) per mile, for each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings or when appointed by the foreman of the grand jury to make individual investigations, the sum of five dollars (\$5) per day. For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings or when properly appointed

by the foreman of the grand jury to make individual investigations, ten cents (\$.10) per mile for each mile actually traveled. A grand juror excused at his own request, shall not be entitled to a per diem fee but shall be entitled to mileage, ten cents (\$.10) per mile for each mile actually and necessarily traveled."

CUNNINGHAM

DeLAP

HATFIELD

Senate Committee on Conference

KNIGHT

MASSION

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 697**—An act to add Section 5711 to the Labor Code, relating to proof of pneumoconiosis.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 153**—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 and to repeal Section 501 of the Agricultural Code, relating to inspection of milk and milk products.

### Motion to Refer Bill to Inactive File

Senator Biggar moved that Senate Bill No. 153 be placed on the inactive file.

Motion carried.

### MOTION TO RESCIND ACTION

Senator DeLap moved that the Senate rescind its action of April 20, 1945 whereby Assembly Bill No. 151 was passed.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Powers, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

### Motion to Return Assembly Bill No. 151

Senator DeLap moved that the Secretary of the Senate be instructed to request the Assembly to return Assembly Bill No. 151 to the Senate for further consideration.

Motion carried.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 116**—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys;

**Senate Bill No. 297**—An act to amend Sections 812.4, 828.65, 829.2 and 829.35 of the Agricultural Code, relating to fruit and vegetable containers;

**Senate Bill No. 395**—An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals;

**Senate Bill No. 401**—An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates;

**Senate Bill No. 770**—An act to amend Section 1902, and to repeal Section 1903, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 772**—An act to add Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor;

**Senate Bill No. 773**—An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately;

**Senate Bill No. 774**—An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately;

**Senate Bill No. 776**—An act to amend Sections 2007 and 2052 of the Harbors and Navigation Code, relating to proposals and contracts for construction work and the form for accompanying checks;

**Senate Bill No. 777**—An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property;

**Senate Bill No. 778**—An act to amend Section 2071 of, and to add Sections 1773.2, 1773.3 and 1773.4 to, the Harbors and Navigation Code, relating to the lease of seawall lots and other property;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 960**—An act to amend Sections 12 and 17 of the "Assessment Bond Refunding Act of 1933," relating to liens and bonds;

**Senate Bill No. 961**—An act to amend Sections 5372, 6446, 6460 and 6572 of the Streets and Highways Code, relating to liens and bonds under the "Improvement Act of 1911.";

**Senate Bill No. 963**—An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903.";

**Senate Bill No. 964**—An act to amend Section 3450 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1921.";

**Senate Bill No. 965**—An act to amend Sections 4570 and 4573 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1911.";

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 771**—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor, declaring the urgency hereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 1278

Senate Bill No. 432

Senate Bill No. 433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1272

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

**ADJOURNMENT**

At 4.38 p.m., on motion of Senator Deuel, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 9, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SIXTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Wednesday, May 9, 1945

The Senate met at 1.30 p.m.

Hon. Frederick H. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leave of absence for the day:

Senator Dorsey, on motion of Senator Seawell, account of illness.

Senator Burns, on motion of Senator Seawell, due to Legislative Business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles K. Fletcher, son of Senator Fletcher; G. D. McCutcheon, C. M. McCutcheon, A. K. Wilson, all of Portland, Oregon; and B. S. Thompson of Vancouver, Washington.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant Onnie Clem, U. S. Marine Corps.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. F. J. Root of

Placerville; Professor T. R. Waterhouse, Principal; H. E. McWhinny, Instructor; D. L. Van Lanen, Teacher, and the following students of the Camino-Placerville Junior Academy: Patricia Payne, Rosella Thiele, Barbara Jean Babcock, Dorothy Willey, Hazel Mathews, Jacqueline Payne, John Weldon, Dorothy Larsen, Joyce Plubell, Paul Bond, Ellsworth Bond, Esther Gonzales, Winnifred Larsen, Vernita Roth, Leota Aldred, Betty Archer, Eugene Hunter, Douglas Hunter, Arvel Sage, Louise Aldred, Kenneth Burley, John Eaton, Eugene Larsen, Norma Jean Miller, June Thiele, Grace Weldon, Vesta West, Richard Willey, Laurel Sage, Edwin Rodgers, Jeanne Aldred, Ralph Archer, Arthur Ewert, Katherine Hansen, Neoma Hartwick, Mary Jane Mathews, Gilbert Plubell, Laurence Thiele, Ardeth Eberhardt, and Myron Eberhardt.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Georgette H. Kelly, U. S. Marine Corps, daughter of Senator Hatfield.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Janet Logan, Mr. and Mrs. John Pearce, Mrs. Louise Harmon, Mrs. Elizabeth Pearce, and the following students of Placer Union High School, and Ophir Elementary School of Auburn: Paul Craig, Stanley Juerger, Barbara Bothello, John Flores, Edward Jull, Jessie Lee Moore, Dolores Lemos, Carol Lang, Diane Puttman, Maxine Daly, Alene Wren, Jean Gage, Myrtle Schimmelman, Grace Craig, Beverly Noons, Peggy Noah, Douglas Lang, Bob Gage, Harold Martin, Edna Jull, Norine Barry, Lydia Moore, Anita Flores, Vernon Cummins, Shirley Daly, Fern Blanton, Carl Wren, Lois Cummins, Doris Machado, Bobby Jo Rawlins, Leegene Cartright, Claudene Hoover, David Barnes, Naomi Craig, Marilyn Noons, Ernest Parsons, Charles Moore, James Carsten, Data Tindol, H. L. Wade, Patty Smith, Berton Carnes, Carol Rowley, Amy Moore, Cherie Heath, Jack Schimmelman, Leonard Potter, Donald Hoover, C. W. Wade, Anna Craig, Nancy Burge, David Davis, Ralph Miller, Charles Cartright, Jimmy Carnes, Laverne Carsten, John Braswell, Jimmy Delavan, Pearl Moore, Ruthie Potter, Tommy Noah, Arthur Daly, and Roy Cartright.

#### COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

ASSEMBLY CHAMBER  
SACRAMENTO 14, May 9, 1945

*Honorable Frederick F. Houser, President of the Senate  
Senate Chamber, State Capitol, Sacramento 14, California*

DEAR MR. HOUSER: The Assembly has instructed me to extend an invitation to the members of the Senate to be present in the Assembly Chamber on Thursday, May 10, 1945, at 2:30 p.m., to hear the Honorable Carlos P. Romulo, Resident Commissioner of the Philippines, a delegate to the Peace Conference of the United Nations in San Francisco.

I am enclosing a copy of page 15 from the Assembly Journal of May 8, 1945, wherein is printed the invitation to the members of the Senate to be present in the Assembly Chamber to hear the Honorable Carlos P. Romulo.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 342

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 1285

Assembly Bill No. 1430

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 701

Assembly Bill No. 1050

Assembly Bill No. 702

Assembly Bill No. 1237

Assembly Bill No. 844

Assembly Bill No. 1292

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1214

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 795

Senate Bill No. 1003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11, committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Joint Resolution No. 20

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported resolution ordered to third reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, May 7, 1945

**MR. PRESIDENT:** Your Committee on Transportation, to which was referred:

Senate Bill No. 748

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend. and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1945

**MR. PRESIDENT:** Your Committee on Transportation, to which were referred:

Assembly Bill No. 170

Assembly Bill No. 984

Assembly Bill No. 1952

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1945

**MR. PRESIDENT:** Your Committee on Transportation, to which were referred:

Assembly Bill No. 469

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amended, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Sutton moved that Senate Bill No. 651 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Collier moved that Senate Bill No. 158 be taken from the inactive file for purpose of amendment and placed on the second reading file.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)****Senate Bill No. 158**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Bill read second time.

**Motion to Amend**

Senator Collier moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert

"1340.6. In that part of District 1½ lying outside of Siskiyou County bear may be taken between August 1st and December 31st. In that part of District 1½ lying within Siskiyou County and in all other districts bear may be taken between October 15th and December 31st. Not more".

Amendment read and adopted.

Bill ordered printed, and to second reading.



## THIRD READING OF SENATE BILLS

**Senate Bill No. 839**—An act to add Section 8722.1 to the Education Code, relating to the establishment and maintenance of high schools and the support thereof.

Bill read third time.

## Motion to Amend

Senator Brown moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "8722.1", and insert "8722.2".

## Amendment No. 2

On page 1, line 1, of said bill, strike out "8722.1", and insert "8722.2".

## Amendment No. 3

On page 1, line 3, of said bill, strike out "8722.1", and insert "8722.2".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

## POSTPONEMENT OF RECONSIDERATION

Senator Donnelly moved that his motion to reconsider the vote whereby the amendments offered by Senator Carter to Senate Bill No. 677 were refused adoption be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, May 8, 1945

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

PAUL S. MARIANA, SR., resident of Cupertino, Santa Clara County, owner and operator of several orchards of prunes, apricots and cherries, a fresh fruit shipper, member of Cupertino Saratoga Prune and Apricot Growers Association, and of the California Prune and Apricot Growers Association, as Member of the Agricultural Prorate Advisory Commission, representing prunes and apricots, vice Charles B. Hannah, term expired, for the term ending January 1, 1949.

IRA REDFERN, resident of Selma, Fresno County, a farmer raising grapes for the raisin industry, a member of the Sun-Maid Raisin Growers Association and the California Farm Bureau, as Member of the Agricultural Prorate Advisory Commission, representative of the raisin industry, vice self, term expired, for the term ending January 1, 1949.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

#### RECESS

At 1.57 p.m., on motion of Senator Seawell, the Senate recessed to hear the remarks of Edward N. Schierberling, National Commander of the American Legion, and Private First Class Herman Pheffer, of Brooklyn.

The President appointed Senators Quinn, Hatfield, Tenney, DeLap, and Dilworth to escort Mr. Schierberling and Private First Class Pheffer to the rostrum.

#### REASSEMBLED

At 2.27 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

#### MOTION TO PRINT IN JOURNAL

Senator Seawell moved that the addresses delivered by Mr. Schierberling and Private First Class Pheffer be printed in the Journal.

Motion carried.

#### Address by Edward N. Scheiberling

We meet here today in what is, indeed, in the words of our great President, a "solemn and a glorious hour." Victory has been achieved—at a tragic cost—over one barbaric enemy in Europe. For that victory we give our humble thanks to Almighty God.

But we can not forget that, across the waters which bathe the shores of California, there waits another cruel, rapacious enemy; an enemy as yet unbroken and undefeated; an enemy of great treachery. Not until Japan has been crushed can we speak of peace; not until Japan has been rendered incapable of war can we say that our way of life is safe.

I do not need to tell you of California of the grim and deadly danger of war. Pearl Harbor is too fresh in your mind; too clearly etched are those desperate days of 1941, when our Pacific Coast stood all but open to the most inhuman armies that have ever spread murder upon the earth.

The danger of those days of 1941 must never be repeated. Never again must the peril of death and torture be brought to America. We know of the inhuman cruelties inflicted by Japanese armies in the cities they have raped and plundered; in Shanghai, Nanking, Hongkong, Manila and others. Even now, when victory in the Pacific is certain, our blood is frozen in horror at the thought of the same hideous fate which might have overtaken Los Angeles, San Francisco, Portland, Seattle, and other of our American cities.

We are proud of our way of life. We know that our system has resulted in more security and comfort for more people for longer periods than has been provided by all other types of government. We have given our people security at home; security of person, of thought, of ideals. We believe that we have attained a high level of civilization.

But we can not truly say that we have realized the utmost in civilization, we cannot say that we have offered the utmost in security, if each quarter of a century we must send millions of the young men of the world to die in battle.

Must we confess that we can not give our people this last, great freedom, this one final, supreme security? The American Legion does not believe so. The American Legion believes that adult, intelligent, civilized men and women can bring peace to the world.

The American Legion believes that we "must" achieve peace; or see our way of life vanish in bankruptcy, savagery and confusion. The world as we know it cannot endure a repetition of wars such as this. Our economic and social system cannot survive such destructive, disruptive shocks.

We stand at the crossroads today. One path leads to a new, glorious world of freedom; the other back to the dim shadows of ignorance and misery. Great empires and great civilizations have died in the past; we must not let our life become one with Egypt, Greece and Rome.

I have said that we stand here in a solemn and a glorious hour. That is true not alone because of victory in Europe. It is true because, at San Francisco the free nations of the world are charting a course toward peace.

It is my high honor, the official representative of the American Legion, to participate in that conference as a consultant to the American delegation. Success of the San Francisco conference is the highest objective of the Legion. By the grace of God, out of that conference there must come the common understanding that will serve as a foundation for peace.

No one nation is strong enough, today, to assure its own safety. Only through an association of free nations, armed with the force to maintain peace, and cloaked with the authority to use it, can we guarantee our future.

It is too early, yet, to detail the pattern of the international organization that will come out of the conference. But I can report to you now that the conference will succeed. An association of free nations is being born. The instrument for peace is at hand.

But it is only the instrument: A tool waiting the skilled hands that will wield it in the interests of the world. San Francisco will not be the end; it will be the beginning; the first step along a bright pathway of security.

Through me, the 2,200,000 men and women of the American Legion have pledged their complete support to Edward R. Stettinius, Jr., Secretary of State; to the American Delegation, and to the Conference. Those are not idle words. The Legion will work with all of its energy to make the association of free nations successful.

All America must solemnly dedicate itself to the success of this pattern for peace. With victory there will emerge forces of disruption and confusion. Voices will cry for a soft peace, for retirement into a false shell of isolationism. We must be on guard against them with the eternal vigilance which is the price of liberty.

Our President has designated next Sunday as a National Day of Prayer; prayer and thanksgiving for the victory we have won, and for support in the struggle ahead. He has asked all Americans to pray, too, for guidance in the way of peace. I know that in those prayers, humble pleas will be spoken for the guidance and success of the San Francisco Conference.

I have spoken of the pattern to be established at San Francisco as an instrument, a tool with which we can create peace out of a world of war. It will take strength to use that tool. There are few today who believe that no aggressor power will ever again challenge the peace of the world; few who would say that the tool need never be used.

The history of freedom is a story of struggle. We know that we must carry that struggle forward. We do not say that, because of the mere wish, there will be no war. We do say that, under God, the next time we shall be ready for it. The next time we shall have the strength to stamp it out. The next time the free nations of the world, linked together in free association, shall be stronger than the aggressor from the outset. Next time there shall be no valley of shadow and doubt through which we must pass to victory.

The peace we contemplate is a peace of strength. Force is inherent in the San Francisco pattern; and America must be prepared to furnish a large part of that force. America must be the citadel of Democracy in peace as in war.

You of California know that well. You have the longest coast line of any State of this Union, more than 1,000 miles bordering on the Pacific. You know that America must remain powerful. You know that we must retain control of the island bases we have wrested from Japan; the distant bases with which we can keep any future aggressor far from our shores. Mr. Stettinius, Commander Stassen and others in the American Delegation have assured me that we shall retain full control over all strategic bases; and that there will be no limits placed on our right to fortify them. Next time we shall not be caught napping in the Pacific; and I pledge you that the American Legion will be alert to any threat to our full development of those bases.

You know that we must be prepared to back our delegates to the international organization in any threat to peace. You know that such preparedness can best be achieved through universal military training, so that we will always have available physically fit and trained reserves for all our armed forces. You have given voice to that knowledge by passing in this present Legislature a resolution advocating universal military training. The American Legion is grateful to you for this evidence of genuine Americanism at its best.

There will be those in the days to come, who will say that universal military training is incompatible with peace. That is a false and dangerous doctrine!

We of the American Legion commend the attitude of this legislative body in enacting legislation for the benefit of the returning servicemen and women. You have set the pace in many respects, and particularly in the "Farm and Home Purchase Act". It is indeed gratifying to see this Legislature assume its burden and responsibility in this connection.

War follows no rules or pattern. War today is sudden, swift and deadly. The aggressor of the future will not wait for the mobilization of an international force. He will strike with stunning swiftness—strike at the most powerful of his enemies in an effort to win his war with one paralyzing blow.

American strength, American production: that will be the target.



The American Legion is committed to the principle of collective security. We believe with all our hearts that it holds the key to peace.

But we know that we shall have to absorb the first shock of the next attack alone, while the world force is being mobilized. If America dies, the free world dies with her.

It is our solemn duty to be ready. We must meet the first attack of a future aggressor and hurl it back. Let no one say otherwise; in the first days or weeks of war, when an enemy strikes at San Francisco or New York, American men, American guns, American ships and American planes must hold the citadel of freedom.

To that end we must have a strong navy. We must have a strong air force. And we must have a force of citizen soldiers, trained and ready to defend their homes.

But the great hope of the future is this: That, after the first attack, a whole world of free men will stand mobilized beside us. That is what San Francisco means.

By the grace of God, that is the pattern we shall follow, until war, a relic of barbarity, is banished from the earth!

#### Address by Private First Class Herman Pheffer

Victory in Europe is a wonderful thing. But we all know that the war isn't over. They say that people from Brooklyn don't appreciate the importance of the Japanese war. I don't know about others, but that isn't true of the soldiers from Brooklyn.

We know that the Japanese war is going to be a tough, dirty war. A lot of boys are going to have to die in it. They're counting on us to back them up with guns, tanks, ships, and planes. We've got to do it. We can't let them down. I hear of people quitting their war jobs, looking for a peacetime job. This isn't any time to do that.

War is no good. It's a crazy way of settling things. It never does really settle anything. We've got to learn to stop war. And I know that every soldier is praying for two things: for the success of the San Francisco Conference, and that the United States will remain strong after this war.

We've got to make those prayers come true.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 410**—An act to add Chapter 5, comprising Sections 28200 to 28325, inclusive, to Division 21 of the Health and Safety Code and to repeal an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the regulation and sanitation of food handling establishments as defined therein, providing for the inspection and licensing of such premises, and prescribing penalties for the violation hereof.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "28325", and insert "28326".

**Amendment No. 2**

On page 2, line 2, of said bill, strike out "28325", and insert "28326".

**Amendment No. 3**

On page 2, line 19, of said bill, after "beverage", insert ", which is sold or offered for sale to the public".

**Amendment No. 4**

On page 2, line 22, of said bill, after "establishments", insert "which sells or offers for sale food to the public".

**Amendment No. 5**

On page 3, line 6, of said bill after "license", insert "issued pursuant to the provisions of the Alcoholic Beverage Control Act".

**Amendment No. 6**

On page 3 of said bill, between lines 8 and 9, insert

"The provisions of this section, except those requiring that the walls and ceilings shall be kept clean and in good repair, shall not apply to the holder of a wine grower's or wine manufacturer's license."

**Amendment No. 7**

On page 3 of said bill, between lines 14 and 15, insert

"This section shall not apply to the holder of a wine grower's or wine manufacturer's license issued pursuant to the Alcoholic Beverage Control Act."

**Amendment No. 8**

On page 3, line 21, of said bill after "license", insert "issued pursuant to the provisions of the Alcoholic Beverage Control Act".

**Amendment No. 9**

On page 3 of said bill, between lines 23 and 24, insert

"The provisions of this section shall not apply to the holder of a wine grower's or wine manufacturer's license issued pursuant to the Alcoholic Beverage Control Act."

**Amendment No. 10**

On page 3 of said bill, between lines 27 and 28, insert

"The provisions of this section shall not apply to the holder of a wine grower's or wine manufacturer's license issued pursuant to the Alcoholic Beverage Control Act."

**Amendment No. 11**

On page 3 of said bill, between lines 32 and 33, insert

"This section shall not apply to the holder of a wine grower's or wine manufacturer's license issued pursuant to the Alcoholic Beverage Control Act."

**Amendment No. 12**

On page 4, line 4, of said bill after "work", insert "in a food handling establishment".

**Amendment No. 13**

On page 4, line 11, of said bill, after "repair", strike out the comma, and insert a period and "All multiuse dishes and utensils shall be kept".

**Amendment No. 14**

On page 5, line 12, of said bill, after "products", insert "or wine".

**Amendment No. 15**

On page 5, line 31, of said bill, strike out "no room used as living or sleeping quarters"; and strike out lines 32 and 33.

**Amendment No. 16**

On page 6, line 17, of said bill, after "require", insert ", in writing,".

**Amendment No. 17**

On page 8, line 32, of said bill, strike out ", or is", and insert "or".

**Amendment No. 18**

On page 9, line 2, of said bill, strike out "After inspection and after due"; and strike out lines 3 and 4; and in line 5, strike out "separate and distinct offense."

**Amendment No. 19**

On page 9 of said bill, between lines 30 and 31, insert "28326. Structural changes required by the provisions of this chapter which involve an expenditure in excess of one hundred dollars (\$100), may be delayed until 90 days after the cessation of hostilities in all wars in which the United States is now engaged. The provisions of this section shall not be deemed to permit noncompliance with any other provisions of this chapter."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 578**—An act to add Section 116 to the Health and Safety Code, relating to the acceptance of gifts by the Director of Public Health.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert "116. With the approval of the Department of Finance, and for use in the furtherance of the work of the State Department of Public Health, the director may accept (a) grants of interests in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational or charitable purposes."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 992**—An act to add Section 664.5 to the Political Code, relating to the auditing of claims.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "664.5 to the Political Code," and insert "13920.1 to the Government Code,".

**Amendment No. 2**

In line 1 of said bill, strike out "664.5 is added to the Political Code," and insert "13920.1 is added to the Government Code,".

**Amendment No. 3**

On page 1 of said bill, strike out line 3, and insert "13920.1. Any officer, agent, or employee of the State using or operating a State owned car during any month shall file an affidavit with the State Controller stating that such car was used or operated only on official State business and that all claims involving payment for fuel are for fuel placed in the tank of said car when so used or operated.

Before approving any expense account involving".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1151**—An act to amend Section 13921 of the Government Code, relating to the State Board of Control.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "13921", and insert "13902".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "13921", and insert "13902".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 6, inclusive, and insert "13902. If the third member is not a State officer acting ex officio, he shall receive [ten dollars (\$10)] *twenty-five dollars (\$25)* for every day of actual attendance at meetings of the board *not in excess of four meetings per month*, together with his necessary traveling expenses in attending such meetings. Such payments shall be made from the appropriation for the support of the Department of Finance."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1209**—An act to amend Sections 19561 and 19563 of, and to add Section 19490 and 19539 to, the Business and Professions Code, relating to horse racing.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 19561 and 19563", and insert "Section 19561".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out "racing", and insert "races on which there is pari-mutuel wagering".

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "a jockey", and insert "jockeys, if sufficient harness horses are available to provide competition in one or more harness races".

**Amendment No. 4**

On page 1 of said bill, strike out lines 11 to 16, inclusive, and insert "to exceed a total of 50 days for harness racing only."

**Amendment No. 5**

On page 2 of said bill, strike out lines 2 to 6, inclusive, and insert "mounted by jockeys."

Amendments read and adopted.

Bill ordered printed. Re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1278**—An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have

constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 432**—An act to amend Section 20 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, by amending subsection (b) thereof and adding subsection (c) thereto relating to the power of water conservation districts to enter into cooperative contracts and agreements with municipalities, water districts of all types and kinds, counties, cities and counties, the State of California, or the Government of the United States for the acquisition and/or construction and/or disposal of works, water, water rights or water storage facilities authorized to be acquired and/or constructed and/or disposed of by the terms of said act, and prescribing certain provisions to be incorporated in such contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 433**—An act to amend Section 35 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred,"



approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, relating to calling of elections in water conservation districts to submit to the qualified electors thereof whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of said act, prescribing a notice of said election, specifying the matters to be submitted to said electors and the vote necessary to authorize said assessment, providing said assessment may be levied in two, three, four or not to exceed 40 annual installments, and prescribing the purposes for which said assessment must be used.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1272**—An act to add Sections 106.5, 106.6, 226, and 276 to, and to repeal Section 1009 of, the Water Code, relating to investigations of the use of water and proceedings to prevent the waste of water and declaring a State policy relating to the use and transportation of water.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out “.106.6, 226, and 276”, and insert “and 1203”.

##### Amendment No. 2

In line 2 of the title of said bill, strike out “investi-”; and strike out lines 3, 4, and 5 and insert “water and the use thereof, declaring a State policy in relation to water and water rights owned by municipalities, and providing for the application of water in excess of the needs of municipalities to beneficial uses by others.”

##### Amendment No. 3

On page 1, line 8, of said bill, after “the”, insert “appropriation and”.

##### Amendment No. 4

On page 1 between lines 12 and 13, of said bill, insert

“SEC. 2. Section 1203 is added to said code, to read:

1203. Any water the right to the use of which is held by any municipality which is in excess of the existing municipal needs therefor may be appropriated by any person entitled to the possession of land upon which such excess water may be put to beneficial use but the right of such person to use such water shall continue only for such period as the water is not needed by the municipality. This section supplements but does not otherwise affect Sections 1460 to 1464, inclusive.”

##### Amendment No. 5

On page 1 of said bill, strike out lines 13 to 25, inclusive; and on page 2 strike out lines 1 to 20, inclusive.

##### Amendment No. 6

On page 2, line 21, of said bill, strike out “5”, and insert “3”.

##### Amendment No. 7

On page 2, after line 21, of said bill, insert

“SEC. 4. The purpose of this act is to effectuate the policy declared in Section 2 of this act and this act shall be liberally construed by the judicial and executive branches of the State Government to carry out its purpose.”

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 302**—An act to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, authorizing cities and cities and counties to prescribe, revise and collect, fees, tolls, rates, rentals and other charges for services and facilities furnished in connection with sanitation or sewerage systems.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 321**—An act to amend Section 69 and 69a of the Civil Code and Section 10525 of the Health and Safety Code, relating to marriage.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 580**—An act adding Section 457 to the Health and Safety Code, relating to the duties of the county health officer.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 237**—An act to add Section 3300a to the Health and Safety Code, relating to State tuberculosis subsidies to counties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 453**—An act to amend Section 17704 of the Health and Safety Code, relating to apartment houses and hotels.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1141**—An act to add Section 20894.5 to the Government Code, relating to the State Employees' Retirement System, and providing for contributions for persons in the military service.

Bill read second time, and ordered to third reading.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1201**—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on April 20, 1945, be further amended as follows:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "6307", and insert "6901".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "6307", and insert "6901".

**Amendment No. 3**

On page 1 of said bill, strike out line 3, and insert "6901". All applications made to the commission pursuant to this article for erection".

**Amendment No. 4**

On page 1, lines 5 and 6, of said bill, strike out "under Sections 6303 or 6321 or other section hereof".

**Amendment No. 5**

On page 1, line 10, of said bill, after the period, insert

"All such applications shall also be submitted by the Commission to the Attorney General for approval."

**Amendment No. 6**

On page 1, line 21, of said bill, after "gas", insert "or other hydrocarbon substances".

**Amendment No. 7**

On page 2, line 3, of said bill, after the period, insert "No such permit or lease shall be issued by the commission until after it has been submitted to and approved by the Attorney General."

**Amendment No. 8**

On page 2, line 25, of said bill, after "gas", insert "or other hydrocarbon substances".

QUINN  
KUCHEL  
JESPERSEN

Senate Committee on Conference

BURNS  
EMLAY  
SAM L. COLLINS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 376**—An act to amend Sections 1272, 1273 and 1274 of the Fish and Game Code, relating to deer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1178**—An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Seawell, Slater, Swing, Ward, and Weybret—27.

NOES—Senator Carter—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 87**—An act to amend Sections 2801, 2802, 2803, 2805, and 2808 of the Revenue and Taxation Code, relating to property taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 666**—An act to add a new article to Chapter 13 of Part 10 of the Revenue and Taxation Code to be numbered Article 5, relating to the authority of the Franchise Tax Commissioner to enter into closing agreements in respect to personal income taxes for any taxable period.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 281**—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read third time.

#### Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 281.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 3**—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 9**—An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205, of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—Senators Biggar and Carter—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 279**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read third time.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Dillinger moved a call of the Senate.

Motion carried. Time, 3.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 269**—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof relating to loans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 270**—An act to amend the Building and Loan Association Act by amending Sections 9.09, 9.10 and 9.12 thereof relating to loans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.18 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 279 passed by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—Senators Biggar and Carter—2.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1242**—An act to amend Section 784 of the Probate Court, relating to notices of sale of real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

**Motion to Amend Title**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "notices of".

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

**Senate Bill No. 300**—An act to amend Section 1804 of the Education Code, relating to the election of school trustees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 382**—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1032**—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 49:** By Senator McBride—Relative to entertainment and dinner for Members of the Legislature on May 8, 1945.

#### Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 49, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 49

**Senate Concurrent Resolution No. 49**—Relative to entertainment and dinner for Members of the Legislature on May 8, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1026**—An act to amend Sections 3490, 3492, 3493, 3494 and 3495 of the Revenue and Taxation Code and to suspend and postpone the operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code and declaring the urgency thereof to take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—30.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 387**—An act to add Section 826.5 to the Welfare and Institutions Code, relating to juveniles charged with misdemeanors.

Bill read third time, and presented by Senator Salsman.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time, 4 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 238**—An act to amend Section 18671 of the Education Code, relating to the dedication of easements to the State or any political subdivision thereof.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1220**—An act to add Section 13502 to the Education Code, relating to the rights of permanent certificated employees of school districts after resignation, defining their rights, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1392**—An act to add Chapter 8.5 to Division 2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, line 10, of the printed bill, as amended, strike out "article", and insert "chapter".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1836**—An act to add Section 862e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of cities of the sixth class and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2142**—An act to amend Section 3 of the Housing Authorities Law, relating to areas of operations of housing authorities, and to housing projects; declaring the urgency thereof, to go into immediate effect.

Bill read third time, and presented by Senator DeLap.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1693**—An act to amend Section 4 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the creation, powers, duties and dissolution of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1016**—An act to amend Section 16304 of the Government Code, relating to the reversion of unexpended balances of certain appropriations.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1373**—An act to amend Section 9701 of the Elections Code, relating to municipal elections and notice thereof.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 497**—An act to amend Sections 3828, 3922, and 3944 of the Elections Code, relating to ballots.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 661**—An act to add Section 9361 to the Public Resources Code, relating to funds for the use of soil conservation districts.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1480**—An act to add Section 7057 to the Public Resources Code, relating to oil and gas and mineral leases by municipalities.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—Senator Quinn—1.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.23 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 387 passed by the following vote :

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Mixter, Parkman, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Weybret—21.

NOES—Senators Breed, Collier, DeLap, Desmond, Dilworth, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Seawell, and Slater—16.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1363**—An act to amend Section 5015 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 5015", and insert "Sections 5015 and 5157".

**Amendment No. 2**

On page 2, line 46, of said bill, after "SEC. 2.", insert "Section 5157 of said code is amended to read:

5157. Any county may purchase or lease, [by a unanimous vote of its board of supervisors,] or obtain by gift, lands located in the county, or in other counties and may hold, improve, and maintain such lands for public parks, *public beaches, public recreation areas* or public boulevards.

Before land situated in another county may be so acquired and held, improved, and maintained, the consent by resolution of the board of supervisors of that county shall be obtained. Land acquired in conformity with the requirements of this section is subject to the jurisdiction, laws and ordinances of the acquiring county.

SEC. 3."

Amendments read and adopted.

**FURTHER AMENDMENTS TO ASSEMBLY BILL NO. 1363****Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 51, of the printed bill, as amended, strike out "Director of Natural Resources, who".

**Amendment No. 2**

On page 2, line 52, of the printed bill, as amended, strike out "shall cause the".

**Amendment No. 3**

On page 3, line 2, of the printed bill, as amended, strike out "as to the probable effect on the beaches and cliffs in the".

**Amendment No. 4**

On page 3, line 3, of the printed bill, as amended, strike out the word "vicinity", and insert "whenever the commission determines that the action proposed in such application would interfere with the recreational use of lands littoral to tidelands or submerged lands involved in such application".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 37**—An act authorizing suits against the State of California to quiet title to certain lands sold by the State as swamp and overflowed lands, and to natural accretions thereto.

Bill read third time, and presented by Senator Slater.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.



## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 132**—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 132?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 7 and 8, and insert "ing and shipping or transporting food products for human consumption from a point within to a point or points without this State."

**Amendment No. 2**

On page 1, line 9, of the printed bill, as amended, strike out "from a point within to", and insert "between a point or points within and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 132 by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuebel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

## EXPLANATION OF VOTE

Senator Carter asked for, and was granted, unanimous consent to have the following explanation of his absence during the roll call on Senate Bills Nos. 281 and 3, and his vote if he had been present.

May 9, 1945

During my absence while answering a long distance telephone call, Senate Bill 281 and Senate Bill 3 were taken up, and therefore I was absent on roll call. Since I have voted against Senate Bill 9 and Senate Bill 279, the other two bills of the so-called Governor's tax reduction program, I feel that I should state that I would have voted No on Senate Bill 281 and Senate Bill 3.

It seems to me that a tax reduction at this time, particularly on a two-year basis, is both unsound and unwise. All of these bills contemplate that it will be necessary to restore taxes to their 1943 level when our income drops and our expenses continue to increase.

We should continue to collect our revenue on the 1943 basis, so that we will be able to lighten the burdens of the taxpayer when business conditions will make tax reduction be of some benefit to us.

OLIVER J. CARTER

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1201**—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWBRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 703. An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: I am directed to return to Senate as requested for further consideration:

Assembly Bill No. 151

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Assembly Bill No. 151 ordered placed on third reading file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Transportation

## SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 2078

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

## Committee on Financial Institutions

## SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 873

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

MCBRIDE, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 937

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

MCBRIDE, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1068

Senate Bill No. 1069

Assembly Bill No. 244

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 158

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1510

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1616

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2003

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1502.

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred: Assembly Bill No. 18

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred: Assembly Bill No. 1368

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred: Senate Bill No. 1238

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 8, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 912

Assembly Bill No. 913

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Social Welfare

## SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred: Senate Bill No. 1082

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

MAYO, Chairman

Above reported bill ordered to second reading.

## ADJOURNMENT

At 5.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 10, 1945.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE  
FIFTY-SIXTH SESSION

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# SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY  
ONE HUNDRED TWENTY-THIRD CALENDAR DAY

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO  
Thursday, May 10, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

### LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Shelley, on motion of Senator Collier, account of illness.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Smiley, of Richmond, and Marion King, of Martinez.

On request of Senators Fletcher and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. James Roche, of Paramount Pictures and "People Are Funny," of Hollywood.

On request of Senators Fletcher and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dolly Tillman, of Columbia Pictures, San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Leo W. Farrell, Troop Leader; Mrs. Ray Perrault, Assistant Troop Leader, and the following Girl Scouts: Caroline Allen, Mary Farrell, Beryl Hannah, Barbara Levera, Patsy Myers, Helen McDonough, Marlene Murphy, Joan Perrault, Joanne Rolufs, Eleanor Santos, Dolores Schiele, Norma Schneider, Dorothy Sherlock, Joan Spears, Patsy Strei, and Jean Warmington, all of Sacramento.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ira E. Porter, of Bakersfield.

On request of Senator Desmond and Secretary J. A. Beek, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. A. V. Guillou, of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. P. Mayer, of San Diego.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 839

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 578

Senate Bill No. 992

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 432

Senate Bill No. 433

Senate Bill No. 1278

Senate Joint Resolution No. 20

And reports the same correctly engrossed.

SEAWELL, Chairman

### Committee on Institutions

SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 1205

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 9, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 2060

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

BREED, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2184

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 67

Senate Bill No. 68

Senate Bill No. 247

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bills ordered to second reading.

**MOTION TO PRINT IN JOURNAL**

Senator Hatfield moved that the final report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor be printed in the Journal of May 16, 1945.

Motion carried.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill No. 795**—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "Maintenance and Acquisition".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**President of the Senate Presiding**

At 1.45 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Senate Bill No. 1003**—An act to add Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 2204, of the Education Code, and to amend Section 9791 of the Government Code, relating to the distribution of State publications to libraries.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 6 of the title of the printed bill, as amended, strike out "2204", and insert "22041".

**Amendment No. 2**

In line 8 of the title of said bill, strike out "to libraries".

**Amendment No. 3**

On page 1, line 6, of said bill, strike out "to Libraries".

**Amendment No. 4**

On page 1, line 15, of said bill, strike out "550", and insert "13660".

**Amendment No. 5**

On page 2, line 4, of said bill, after the period, insert "An additional twenty-five (25) copies of each State publication shall be printed and delivered to the Keeper of the Archives by the State Printer or the department, commission, or other agency concerned."

**Amendment No. 6**

On page 2, line 8, of said bill, after "book", insert a comma.

**Amendment No. 7**

On page 3, line 19, of said bill, strike out "550 to 557 of the Political Code", and insert "13660 to 13667 of the Government Code".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 748**—An act to add Section 255 to the Streets and Highways Code, relating to Sausalito Lateral, including its incorporation into the State Highway System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "255", and insert "557".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "Sausalito Lateral," and insert "a road in Marin County and".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "255", and insert "557".

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 17, inclusive, and insert "557. The Department of Public Works is hereby directed to construct and maintain on the Marin County side of the Golden Gate Bridge, an approach thereto, to consist of a State highway of not less than six lanes, with a division-strip in the center, the physical grade of such highway not to exceed three per cent (3%). The route of said highway is from a point at or near Waldo Point on U. S. Highway 101 to and connecting with said bridge. Said highway is hereby added to the Highway System of the State. The cost thereof shall be paid out of the State Highway Fund. Construction thereof shall be completed on or before June 1, 1948."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Senate Bill No. 873**—An act to add Section 11740.3 to the Insurance Code, relating to workmen's compensation insurance.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1 of the printed bill, as amended, between lines 2 and 3, insert "11740.3. An insurer shall not combine the premium or experience of an employer with the premiums or experience of one or more other employers under any dividend or premium refund plan in respect to workmen's compensation insurance to enable such employer to obtain a higher percentage of dividend or premium refund than he would obtain if the plan were applied solely to his premium or experience, or both.

This section does not restrict any insurer in respect to the formulation of any workmen's compensation insurance dividend or premium refund plan; nor, except as provided in the preceding paragraph, does it restrict any insurer in respect to the application of such a plan to the premium or experience of any employer."

**Amendment No. 2**

On page 1, line 14, of said bill, strike out "separate legal entities", and insert "employers".

**Amendment No. 3**

On page 1 of said bill, strike out lines 17 to 25, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1068**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1069**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1238**—An act to add Section 6018 to the Revenue and Taxation Code, relating to the sales and use taxes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1082**—An act to establish a System of Unemployment Disability Insurance and to amend Sections 9.8, 40, 45, 45.5 and 45.11 and to add Section 52.3 and to repeal Sections 44, 44.2 and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

**Motion to Re-refer Senate Bill No. 1082**

Senator Rich moved that Senate Bill No. 1082 be re-referred to Committee on Finance.

Motion carried.

**Motion to Reconsider**

Senator Rich moved to reconsider the vote whereby Senate Bill No. 1082 was re-referred to Committee on Finance and said bill be placed on second reading file.

Motion carried.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1082**

Senate Bill No. 1082 read second time, ordered engrossed, and to third reading.

**Senate Bill No. 615**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 158**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Bill read second time, ordered engrossed, and to third reading.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1285**—An act to amend Section 375 and 378 of the Fish and Game Code, relating to Federal acquisition of lands.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 375 and 378 of", and insert "Sections 375, 375.5, 376, 378 and 379 of, and to add Section 380 to".

#### Amendment No. 2

On page 1, line 10, of said bill, after "California", insert "and the legislative body of each county, city, or city and county within which any part of the land is situate".

#### Amendment No. 3

On page 1, line 19 of said bill, strike out "378", and insert "375.5".

#### Amendment No. 4

On page 1 of said bill, strike out lines 20 to 28 inclusive, and insert "375.5. *The Legislature and the State reserve jurisdiction on and over the [The] property acquired by the United States under the provisions of Section 375 [shall be released and exempt from all State, county and municipal and irrigation and other district taxes and assessments or other charges] the State's entire power of taxation including that of each State agency, county, city, city and county, political subdivision or public district of or in the State which may be imposed under the laws or authority of this State as soon as title thereto is acquired.*

SEC. 3. Section 376 of said code is amended to read:

376. This State reserves such full and complete jurisdiction and authority for the execution of civil process and criminal process over all such Federal migratory bird reservations and all persons within such reservations as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress.

SEC. 4. Section 378 of said code is amended to read:

378. [The people of the State of California, through their legislative authority, also consent to the declaration, withdrawal or determination of any part of any National forest or power site, and do further consent to the condemnation of any lands lying and being below an elevation known and described as minus 230 foot elevation below sea level, as a migratory bird reservation under any of the provisions of said act of Congress.]

*This consent continues only so long as the property continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations as prescribed in this Chapter, and used for the purposes for which it was acquired.*

SEC. 5. Section 379 of said code is amended to read:

379. [The president of the Fish and Game Commission may be a member ex officio of the Migratory Bird Conservation Commission created by said act of Congress.]

*With the approval of the Fish and Game Commission of the State of California first had and obtained, the people of the State of California, through their legislative authority, also consent to the declaration, withdrawal or determination of any part of any National forest or power site, and do further consent to the condemnation of any land lying and being below an elevation known and described as minus 230 foot*

*elevation below sea level, as a migratory bird reservation under the provisions of said act of Congress.*

SEC. 6. Section 380 is added to said code, to read:

380. The president of the Fish and Game Commission may be a member ex officio of the Migratory Bird Conservation Commission created by said act of Congress."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1430**—An act to amend Section 31.5 of the Fish and Game Code, relating to powers of the commission.

**Motion to Re-refer Assembly Bill No. 1430**

Senator Gordon moved that Assembly Bill No. 1430 be re-referred to Committee on Fish and Game.

Motion carried.

**Assembly Bill No. 701**—An act to amend Section 429.5 of the Fish and Game Code, relating to free fishing licenses for members of the armed forces of the United States.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 702**—An act to amend Section 38 of the Fish and Game Code, relating to powers and duties of the commission.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 844**—An act to amend Section 698.1 of the Fish and Game Code, relating to District 22.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1050**—An act to amend Section 493 of the Fish and Game Code, relating to night fishing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1237**—An act to amend Sections 692, 693, 694, and 695 of the Fish and Game Code, relating to striped bass.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1292**—An act to amend Sections 840 and 841 of the Fish and Game Code, relating to nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1214**—An act to amend Section 728 and to repeal Sections 734, 736, 738, and 738.5 of the Fish and Game Code, relating to fish.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

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PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

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**Amendment No. 1**

Strike out the title of the printed bill, and insert

"An act to amend Sections 728 and 736 and to repeal Section 738.5 of the Fish and Game Code, relating to fish."

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 7 and 8, and insert

"SEC. 2. Section 736 of the Fish and Game Code is amended to read:

736. No yellow-fin tuna or blue-fin tuna weighing less than seven and one-half pounds [or more than one hundred fifty pounds] may be sold. *On and after June 30, 1947 no yellow-fin tuna or blue-fin tuna weighing less than seven and one-half pounds or more than one hundred and fifty pounds may be sold.*

SEC. 3. Section 738.5 of the Fish and Game Code is repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

**Assembly Bill No. 170**—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 984**—An act to add 459.4 to the Vehicle Code, relating to local regulation of traffic in subways, tubes, tunnels or upon bridges or viaducts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1952**—An act to amend Section 117 of the Vehicle Code, relating to promotions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 469**—An act to add Section 44.2 to the Vehicle Code, relating to privately owned vehicles of members of the California Highway Patrol.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "44.2", and insert "44.10".

**Amendment No. 2**

In line 1 of said bill, strike out "44.2", and insert "44.10".

**Amendment No. 3**

In line 10 of said bill, strike out "44.2", and insert "44.10".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2078**—An act to amend Sections 142 and 382 of the Vehicle Code, and to add Sections 39.5, 168 and 628 thereto, relating to special highway construction equipment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

Strike out lines 2 and 3 of the title of the printed bill, as amended, and insert "to add Sections 39.5, 396 and 168 thereto, relating to special highway construction equipment and agricultural water-well boring rigs."

**Amendment No. 2**

On page 2 of said bill, strike out lines 27 and 28, and insert "ment identification plate attached thereto."



**Amendment No. 3**

On page 2, line 29, of said bill, after "made", insert "prior to January 15 of each year, or before any such piece of equipment is moved over the highway".

**Amendment No. 4**

On page 2, line 42, of said bill, strike out the remainder of the line after the period.

**Amendment No. 5**

On page 2 of said bill, strike out lines 43, 44, and 45, inclusive.

**Amendment No. 6**

On page 3 of said bill, strike out line 10, and insert

"Sec. 5. Section 39.6 is added to the Vehicle Code, to read:

39.6. Agricultural Water-Well Boring Rig. "Agricultural Water-Well Boring Rig" means a vehicle which is used exclusively in the boring of water-wells on agricultural property, which is self-propelled, which is not mounted on a vehicle originally designed for the transportation of property, and which is only incidentally operated or moved over the highway. Each such vehicle shall be subject to the registration fee provided in Section 370 but shall be exempt from the fees provided in Section 372 of the Vehicle Code."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 937**—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to powers of credit unions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1, line 18, of the printed bill, as amended, after "nonmember", insert "(provided, however, for any loan in excess of \$3,000 such excess shall be secured by real and/or personal property)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 158**—An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 14 to 18, inclusive, and insert "nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, dealing only with its members and storing, selling, furnishing or delivering petroleum products, other than the fuels

with respect to which a tax is imposed under this part or Part 3 of this division, used exclusively for purposes of orchard heating to protect the crops of its members, and annually filing with the board an affidavit showing these facts."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1510**—An act to amend Sections 8606, 8704, 8754, 8828, 8951, 8995 and 9151 of and to add Section 9154 to the Revenue and Taxation Code, relating to the definition of the term "person," the administration of the use fuel tax and refunds of the tax.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1616**—An act to amend Section 4653.1 of the Revenue and Taxation Code, relating to the distribution of the proceeds from the sale and redemption of tax sold and tax-deeded property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2003**—An act to amend Sections 3620 and 3637 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1502**—An act to amend Sections 6005, 6006, 6010, 6011, 6012, 6563, 6701, 6901, 6907, and 6935 of the Revenue and Taxation Code and to add Sections 6018 and 6402 to said code all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "6018", and insert "6019".

##### Amendment No. 2

On page 2, line 40, of the printed bill, as amended, strike out "6018", and insert "6019".

##### Amendment No. 3

On page 2, line 42, of the printed bill, as amended, strike out "6018", and insert "6019".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 18**—An act to amend Sections 2626, 2630, 4105, 4106, and 4109.5 of, to repeal Chapter 4 of, and to add a new Chapter 4, consisting of Sections 4371 to 4376, inclusive, to, Part 7, Division 1 of, and to repeal Section 4110 of, and to add a new Section 4110 of, and to add Sections 4104.3, 4104.4, 4104.5, 4108, 4108.5, to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1368**—An act to amend Sections 3355, 3476, 3691 and 3693 of, and to add Chapter 2.2 comprising Sections 3450 to 3457 inclusive to Part 6, Division 1 of, the Revenue and Taxation Code, relating to property taxation, including tax sales, notice of sale of tax-sold property, sale of tax-sold and tax-deeded property at public auction, and medium of payment for tax-sold and tax-deeded property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 2, after line 21, of the printed bill, as amended, insert  
"When negotiable paper is so accepted, the deed to the property so purchased shall not be delivered unless and until such negotiable paper is duly paid."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 912**—An act to amend Sections 4, 6, 8, 9, 11, 12, 13, 13½, 17, 20, 21, 24, 25, 27, 28, and 30 of, and to add one new section to be numbered 14.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 13 of the printed bill, strike out lines 5 to 9, inclusive.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 913**—An act to amend Sections 2, 4, 6, 7, 8, 9, 11, 12, 15, 17, 18, 19, 19.1, 20, 21, and 23 of, and to add one new section to be numbered 14.1 to, the Corporation Income Tax Act relating to the levy and collection of taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 13 of the printed bill, strike out lines 27 to 31, inclusive.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**MOTION TO RECESS**

Senator Salsman moved that the Senate recess at 2.30 p.m. pursuant to the invitation of the Assembly, to meet jointly to hear the remarks of Hon. Carlos P. Romulo, Resident Commissioner of the Philippines.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Desmond moved that Assembly Bill No. 2076 be taken from the inactive file for the purpose of amendment and placed on the second reading file.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 2076**—An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

Bill read second time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 12 to 17, inclusive, and insert

"3047. Each applicant shall show to the board by satisfactory evidence that he has attended two resident courses of professional instruction in the study of optometry in a school or schools accredited by the board, and that he has graduated from such accredited school."

**Amendment No. 2**

On page 2, line 38, of the printed bill, as amended, strike out "two", and insert "four".

**Amendment No. 3**

On page 2 of the printed bill, as amended, strike out lines 41 to 48, inclusive, and insert "section shall not apply to any graduate of an accredited optometry school whose entrance into the armed services prevented his taking the examination, or to any student of an accredited optometry school whose course of instruction was interrupted by his entrance into the armed services."

Amendments read and adopted.

Bill ordered printed, and to second reading.

**MOTION TO RETAIN PLACE ON FILE**

Senator Seawell moved that Assembly Bills No. 1158 and 1249 retain their place on file.

Motion carried.

**MOTION TO PRINT IN JOURNAL**

Senator Judah moved that the remarks of Senator Dorsey be printed in the Journal.

Motion carried.

**Remarks of Senator Dorsey**

Mr. President, recently during my temporary absence from the floor—to be exact, V-E Day, May 8, 1945—my good friends, Senators Mixter, Hulse, and Deuel, graciously presented and the members magnanimously adopted a resolution referring to your humble servant in very generous and affectionate terms. While I feel unworthy of those very kind words thus spoken of me, yet I do, nevertheless, sincerely appreciate the sentiment expressed.



By this action on the part of my friends, I shall ever be mindful of the kindness of the Senators from Exeter, Imperial and Chico, and the generosity of Members of the Senate in thus spreading those sentiments upon the minutes that they may be preserved in the archives of this Legislature. I shall, as long as I am a member of this body, and ever after, strive to retain the esteem of my colleagues and to keep inviolate the confidence reposed in me by my coworkers in this Senate.

Again: I thank you.

### RESOLUTIONS

The following resolution was offered:

By Senator Carter:

#### Senate Resolution No. 106

In tribute to the memory of Lieutenant Paul Carr, United States Army, and  
Ensign Kenneth J. Carr, United States Navy

WHEREAS, The great costliness of war in its most tragic implications has been brought home once again to California with the untimely passing of two brothers from Shasta County, Lieutenant Paul Carr of the United States Army and Ensign Kenneth J. Carr of the United States Navy, each of whom, in April of this year and within one week of each other, did give his life in the service of his Country; and

WHEREAS, In the flower of their youth and exemplifying the finest qualities of American manhood, these men, sons of the late Judge and Mrs. Francis Carr of Redding, California, had gone forth to war, casting aside their peacetime endeavors for the immediate task which lay at hand; and

WHEREAS, Lieutenant Paul Carr, at the age of 29, was killed in action in Italy on April 15, 1945, where he was serving with the Mountain Infantry Division of General Mark Clark's Fifth Army; but shortly before, he had been awarded the Bronze Star for meritorious service in combat on March 3, 1945, near Mt. Terminale, Italy; and

WHEREAS, Ensign Kenneth J. Carr, at the age of 23, met his death on April 9, 1945 when his Navy fighter plane plunged into the ocean during maneuvers off the coast of Southern California; and

WHEREAS, The name of Carr has long been one of the most esteemed of Shasta County and is well known throughout California: Of the three remaining sons and the two daughters of the late Judge Francis Carr, Lieutenant (j.g.) Francis J. Carr, a former Deputy Legislative Counsel and Sacramento attorney, is now stationed with the Navy at Quonset Point, Rhode Island; Lieutenant (j.g.) Laurence W. Carr, former district attorney of Shasta County and one-time Legislative Secretary of Governor Earl Warren, is now on active duty in the Pacific; and James K. Carr is an engineer with the United States Bureau of Reclamation in Sacramento; and

WHEREAS, It is fitting that the memory of these two native sons of California be perpetuated in the official records of the State as lasting evidence of the high regard in which they were held, of the supreme sacrifice which each so willingly made, and of the profound sorrow which their passing has occasioned; now, therefore, be it

*Resolved by the Senate of the State of California*, That we, the members, extend to all members of the Carr family our deep sympathy in their great loss; and be it further

*Resolved*, That when the Senate adjourns this day it shall do so in respect to the memory of Lieutenant Paul Carr of the United States Army and of Ensign Kenneth J. Carr of the United States Navy; and be it further

*Resolved*, That the Secretary of the Senate is directed to convey to Mrs. Paul Carr and Mrs. Kenneth J. Carr, the bereaved widows of these men, and to Mr. Laurence J. Kennedy of Redding, their uncle, this expression of tribute and sympathy from the Senate of the State of California.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret.

Chief Assistant Secretary Cleve V. Taylor at the Desk

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Bill No. 371**—An act to amend Sections 19485, 19597, 19620 and 19627 of the Business and Professions Code, relating to the regulation and licensing of horse racing and horse race meetings, wagering on the results thereof and the disposition of State revenues therefrom.

Bill read third time.

## Motion to Re-refer Senate Bill No. 371

Senator Parkman moved that Senate Bill No. 371 be re-referred to Committee on Governmental Efficiency.

## Roll Call Demanded

Senators Swing, Powers, and Dillinger demanded a roll call.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Deuel, Dorsey, Fletcher, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—23.

**NOES**—Senators Burns, Dillinger, Dilworth, Donnelly, Gordon, Jespersen, and Judah—7.

Senate Bill No. 371 ordered re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 839**—An act to add Section 8722.2 to the Education Code, relating to the establishment and maintenance of high schools and the support thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## RECESS

At 2.30 p.m., on motion of Senator Seawell the Senate recessed until 3.30 p.m.

## REASSEMBLED

At 3.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Chief Assistant Secretary Cleve V. Taylor at the desk.

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relat-

ing to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

#### **Motion to Amend**

Senator Carter moved the adoption of the following amendments:

#### **Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out ", their conservation and utilization,"; strike out lines 3 and 4 of the title; and in line 5 strike out "Advisory", and insert "and control, conservation and use of the State's water resources; creating the State Water Resources".

#### **Amendment No. 2**

In line 8 of the title of said bill, strike out "Flood Control Advisory", and insert "Water Resources".

#### **Amendment No. 3**

On page 1, line 6, of said bill, after "property", insert "and the control, storage, and use of the State's water resources".

#### **Amendment No. 4**

On page 1, line 9, of said bill, after "rivers," insert "and".

#### **Amendment No. 5**

On page 2, line 4, of said bill, strike out "and conservation", and insert ", storage and full beneficial use".

#### **Amendment No. 6**

On page 2, lines 11 and 12, of said bill, strike out "flood control and water conservation plans and projects", and insert "all water development projects, including flood control projects,".

#### **Amendment No. 7**

On page 2, line 13, of said bill, after "districts," insert "and the United States or any of its departments or agencies".

#### **Amendment No. 8**

On page 2, line 14, of said bill, after "the", insert "State".

#### **Amendment No. 9**

On page 2, line 16, of said bill, after "to the State," insert "and which will bring maximum benefits to the people of the State from the expenditure of public funds,".

#### **Amendment No. 10**

On page 2, line 19, of said bill, after the period, insert

"In studying water development projects, full consideration shall be given to all beneficial uses of the State's water resources, including irrigation, generation of electric energy, municipal and industrial consumption of water and power, repulsion of salt water, preservation and development of fish and wild life resources, and recreational facilities, but not excluding other beneficial uses of water, in order that recommendations may be made as to the feasibility of such projects and for the method of financing feasible projects."

#### **Amendment No. 11**

On page 2, line 31, of said bill, strike out "Advisory Flood Control", and insert "Water Resources".

#### **Amendment No. 12**

On page 2, line 32, of said bill, strike out "Flood Control", and insert "Water Resources".

#### **Amendment No. 13**

On page 2, line 35, of said bill, strike out "Flood Control Board shall select one of their number", and insert "Water Resources Board shall select one of their members".

#### **Amendment No. 14**

On page 2, line 37, of said bill, strike out "Flood Control", and insert "Water Resources".

#### **Amendment No. 15**

On page 2, line 38, of said bill, strike out "Flood Control" and insert "Water Resources".

**Amendment No. 16**

On page 2, line 39, of said bill, after the period, insert "The Water Resources Board may employ other technical assistants as conditions require."

**Amendment No. 17**

On page 2, line 40, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 18**

On page 2, line 44, of said bill, strike out "flood control and water conservation problems", and insert "problems relating to the control, storage and beneficial use of water".

**Amendment No. 19**

On page 2 of said bill, strike out line 46, and insert "Water Resources Board of all parts of the State so far as it is practicable."

**Amendment No. 20**

On page 2, lines 47 and 48, of said bill, strike out "for members of the Flood Control Board, engineering ability and experience shall also", and insert "of members of the Water Resources Board, engineering ability and experience shall".

**Amendment No. 21**

On page 3, line 6, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 22**

On page 3, line 11, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 23**

On page 3, line 19, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 24**

On page 3, line 23, of said bill, strike out the comma.

**Amendment No. 25**

On page 3, line 26, of said bill, strike out ", which are", and insert "which were".

**Amendment No. 26**

On page 3, line 28, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 27**

On page 3, line 29, of said bill, strike out the first "a", and insert "any".

**Amendment No. 28**

On page 3, line 30, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 29**

On page 3, lines 31 and 32, of said bill, strike out "Flood Control Board as the Flood Control", and insert "Water Resources Board as the Water Resources".

**Amendment No. 30**

On page 3, line 33, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 31**

On page 3, lines 36 and 37, of said bill, strike out "Section 353 of the Political Code", and insert "Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code".

**Amendment No. 32**

On page 3, lines 38 and 39, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 33**

On page 3, line 41, of said bill, after "problems", insert ", including the control, storage and use of water resources,".

**Amendment No. 34**

On page 3, line 41, of said bill, strike out "or water conservation problems".

**Amendment No. 35**

On page 3, line 45, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 36**

On page 3, line 46, of said bill, after the first "to", insert "the".



**Amendment No. 37**

On page 3, line 47, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 38**

On page 3, line 48, of said bill, strike out "an", and insert "every".

**Amendment No. 39**

On page 3, line 51, of said bill, strike out "Flood Control Board, the Flood Control" and insert "Water Resources Board, the Water Resources".

**Amendment No. 40**

On page 4, line 4, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 41**

On page 4, line 6, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 42**

On page 4 of said bill, strike out lines 8 and 9, and insert "States, its departments or agencies affecting any proposed water project within the scope of this act, including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses."

**Amendment No. 43**

On page 4, line 10, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 44**

On page 4, line 14, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 45**

On page 4, line 16, of said bill, after "study", insert a comma.

**Amendment No. 46**

On page 4, line 17, of said bill, strike out "recommendation", and insert "recommendations".

**Amendment No. 47**

On page 4, line 19, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 48**

On page 4, line 20, of said bill, after "Legislature", insert "water development projects, including".

**Amendment No. 49**

On page 4, line 29, of said bill, strike out "Flood Control Advisory", and insert "Water Resources".

**Amendment No. 50**

On page 4, line 35, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 51**

On page 5, line 6, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 52**

On page 5, line 10, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 53**

On page 5, line 15, of said bill, strike out "Flood Control" and insert "Water Resources".

**Amendment No. 54**

On page 5, lines 16 and 17, of said bill, strike out "proposed", and insert "all proposed water development".

**Amendment No. 55**

On page 5, line 22, of said bill, strike out "State Flood Control Advisory", and insert "Water Resources".

**Amendment No. 56**

On page 5, lines 25 and 26, of said bill, strike out "flood control or other purposes", and insert "control, storage or use of waters".

**Amendment No. 57**

On page 5, lines 39 and 40, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 58**

On page 5, line 50, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 59**

On page 5, line 52, of said bill, strike out "as herein provided", and insert "in lieu of financial assistance usually required from local interests for flood control projects. In a multiple type project which includes works and construction for other than flood control purposes, and in projects which do not include any flood control works or construction, the Water Resources Board may recommend to the Legislature and to the United States, or any of its departments or agencies, the method of financing such works and construction".

**Amendment No. 60**

On page 6, line 3, of said bill, after "control", insert "and other water".

**Amendment No. 61**

On page 6, line 9, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 62**

On page 6, line 11, of said bill, after "control", insert "or other water".

**Amendment No. 63**

On page 6, line 19, of said bill, after "control", insert "and other".

**Amendment No. 64**

On page 6, line 22, of said bill, strike out "Flood Control", and insert "Water Resources".

**Amendment No. 65**

On page 6, line 26, of said bill, strike out "water conservation", and insert "other water".

**Amendment No. 66**

On page 6, line 29, of said bill, strike out "water conservation", and insert "other water".

**Amendment No. 67**

On page 6 of said bill, strike out lines 31 to 34, inclusive.

**Amendment No. 68**

On page 6, line 35, of said bill, strike out "25" and insert "24".

**Amendment No. 69**

On page 12, line 18, of said bill, strike out "Flood Control", and insert "Water Resources".

Amendments read and adopted.

**FURTHER AMENDMENTS TO SENATE BILL NO. 677****Motion to Amend**

Senator Donnelly moved the adoption of the following amendments:

**Amendment No. 1**

On page 8, line 17, of the printed bill, as amended, after "session," insert "except as hereinafter provided,".

**Amendment No. 2**

On page 8 of said bill, between lines 19 and 20, insert "Nothing in this section shall be construed as approving the Farmington Dam or any other dam across Littlejohn Creek."

Amendments read.

**Roll Call Demanded**

Senators Carter, Fletcher and Donnelly demanded a roll call.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Kuchel, Mayo, Powers, Quinn, and Tenney—16.

NOES—Senators Crittenden, Delap, Desmond, Deuel, Fletcher, Hulse, McBride, Mixter, Rich, Sutton, and Weybret—11.

**FURTHER AMENDMENTS TO SENATE BILL NO. 677****Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 7, line 45, of the printed bill, as amended, after "session," insert "except as hereinafter provided,".

**Amendment No. 2**

On page 7 of said bill, between lines 48 and 49, insert

"Nothing in this section shall be construed as approving the dam across the Sacramento River at the Table Mountain site or any other dam across the Sacramento River."

Amendment read.

**Roll Call Demanded**

Senators Mayo, Donnelly and Quinn demanded a roll call.

The roll was called, and the amendments adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Parkman, Salsman, Seawell, Slater, and Weybret—18.

**NOES**—Senators Crittenden, Cunningham, Desmond, Deuel, Dilworth, Fletcher, Gordon, Judah, McBride, McCormack, Mixer, Powers, Rich, Sutton, Swing, Tenney, and Ward—17.

**MOTION TO RECONSIDER**

Senator Rich moved to reconsider the vote whereby the second set of amendments offered by Senator Carter to Senate Bill No. 677 were adopted.

**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby the second set of amendments offered by Senator Carter to Senate Bill No. 677 were adopted, was continued until the next legislative day.

**MOTION TO RECONSIDER**

Senator Crittenden moved to reconsider the vote whereby the amendments offered by Senator Donnelly to Senate Bill No. 677 were adopted.

**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Donnelly to Senate Bill No. 677 were adopted, was continued until the next legislative day.

Secretary J. A. Beek at the Desk

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public

Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

**Motion to Reconsider Waived**

Senator Donnelly waived his motion to reconsider the vote whereby the amendments offered by Senator Carter to Senate Bill No. 677, were refused adoption.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 280

Assembly Bill No. 466

Assembly Bill No. 1350

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bills were read the first time:

**Assembly Bill No. 280**—An act to repeal Part 4, comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, relating to the motor vehicle transportation tax.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 466**—An act to add Sections 2981 and 2982 to the Civil Code, regulating conditional sale contracts on motor vehicles and providing penalties for violations.

Referred to Committee on Transportation.

**Assembly Bill No. 1350**—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division I of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Referred to Committee on Transportation.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.



## ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 9th adopted the report of the Committee on Conference concerning:

Senate Bill No. 1201

A notice of motion to reconsider adoption of the report was given by Mr. Sherwin. Therefore I am directed to respectfully request that the measure be not enrolled by the Senate until the conference report has been finally adopted.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## MOTION TO RECALL SENATE BILL FROM ENROLLMENT

Senator Seawell moved that Senate Bill No. 1201 be withdrawn from enrollment and placed on unfinished business file, pending further action on the conference report by the Assembly.

Motion carried.

## REPORTS OF STANDING COMMITTEES

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1723

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DeLAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 604

Assembly Bill No. 1238

Assembly Bill No. 1925

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DeLAP, Chairman

Above reported bills ordered to second reading.

## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 512

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 474

Senate Bill No. 475

Senate Bill No. 476

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bills re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 1208	Assembly Bill No. 772
Assembly Bill No. 130	Assembly Bill No. 1703
Assembly Bill No. 599	Assembly Bill No. 1958
Assembly Bill No. 652	Assembly Bill No. 2156

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 622  
Senate Bill No. 829  
Assembly Bill No. 866

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1420	Assembly Bill No. 305
Assembly Bill No. 338	Assembly Bill No. 1706
Assembly Bill No. 389	Assembly Bill No. 574

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 411	Assembly Bill No. 1624
Assembly Bill No. 949	Assembly Bill No. 1511
Assembly Bill No. 950	Assembly Bill No. 2169
Assembly Bill No. 951	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 787

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 188

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 29	Assembly Bill No. 814
Assembly Bill No. 543	Assembly Bill No. 815
Assembly Bill No. 679	Assembly Bill No. 1062
Assembly Bill No. 765	Assembly Bill No. 2158

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 61  
Assembly Bill No. 596  
Assembly Bill No. 1215

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 39**—Relative to designating the year 1948 officially as Gold Discovery Centennial Year, and the year 1949 as Gold Rush Centennial Year;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the tenth day of May, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 161**—An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps, and declaring the urgency thereof, the act to take effect immediately;

**Senate Bill No. 402**—An act to add Sections 796.3, 796.4, 796.5, 796.8 and 796.9 to the Agricultural Code, relating to citrus fruits;

**Senate Bill No. 422**—An act to add Section 1426.1 to the Penal Code, relating to proceedings on misdemeanor complaints;

**Senate Bill No. 459**—An act to amend Section 1106.2 of the Agricultural Code, relating to eggs;

**Senate Bill No. 592**—An act to amend Section 284 of the Agricultural Code, relating to apiaries;

**Senate Bill No. 636**—An act to add Section 2215.5 to, and to amend Section 2216 and 2270 of the Health and Safety Code, relating to mosquito abatement districts, declaring the urgency thereof, to go into immediate effect;

**Senate Bill No. 766**—An act to amend Sections 1700, 1705, 1730, 1732, and 1733 of, add Sections 1732.5, 1732.6, and 1732.7 to, and repeal Sections 1710 and 1731 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of May, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1193**—An act to add Article 3, comprising Section 96, to Chapter 3, Division 1, of the Agricultural Code, relating to county fairgrounds, fairground facilities, and parks;

**Senate Bill No. 1270**—An act to amend Section 7370 of the Political Code, relating to the salaries of superior court judges in Kern County ;  
And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of May, 1945, at 2 p.m.

SEAWELL, Chairman

#### ADJOURNMENT

At 5.22 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, May 11, 1945, out of respect to the memory of the late Lieutenant Paul Carr, United States Army, and Ensign Kenneth J. Carr, United States Navy.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

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# SENATE DAILY JOURNAL

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SIXTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO

Friday, May 11, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators—Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuechel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Seawell, due to Legislative Business.

Senator Shelley, on motion of Senator, due to illness.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Daniel K. York, District Attorney of Napa County; Francis H. Frisch, Deputy District Attorney of Napa County; H. H. Sawyer, and H. W. Sawyer, both of Napa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Carla Roberts of Hayward, and Mrs. Gertrude Forsyth of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lewis DeCastle of Santa Rosa.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter S. Ernest of Altadena, and Victor W. Bowyer of Berkeley.

### COMMUNICATIONS

The following communication was received and read, and on request of Senator Hulse and Lieutenant Governor Frederick F. Houser, ordered printed in the Journal:

COLORADO RIVER BOARD OF CALIFORNIA

EL CENTRO, California, May 4, 1945

*Hon. Frederick F. Houser, President, California State Senate,  
Sacramento, California.*

DEAR MR. PRESIDENT: Enclosed herewith please find copies of a draft of a report and a brief letter of transmittal relative to the United States-Mexico Water Treaty, the originals of which were mailed to Governor Earl Warren.

It is appropriate at this time that on behalf of the Colorado River Board of California, I express the sincere thanks and appreciation of that agency to the California Legislature for its excellent support in opposing ratification of the Treaty.

Also, permit me to thank you personally for your excellent cooperation in aiding our defense fight against ratification.

Yours very truly,

EVAN T. HEWES, Chairman, Colorado River Board of California

May 3, 1945

*Honorable Earl Warren, Governor  
Capitol, Sacramento, California.*

DEAR SIR: Herewith enclosed is report which the Colorado River Board has directed me to submit to you, respecting the proceedings on the Mexican Water Treaty.

The report summarizes the issues and proceedings, and contains a very preliminary appraisal of results.

The Colorado River Board will, as soon as possible, submit to you its views relative to the work-program which it considers essential for the defense of California's interests in the Colorado River.

Very truly yours,

COLORADO RIVER BOARD OF CALIFORNIA

By EVAN T. HEWES, Colorado River Commissioner

May 3, 1945

*Honorable Earl Warren, Governor  
Capitol, Sacramento, California.*

DEAR SIR: The Colorado River Board of California has directed me to submit to you the following summation of the proceedings before the United States Senate on the Mexican Water Treaty relating to the Colorado and Tijuana rivers and the Rio Grande.

This treaty was signed at Washington, D.C., on February 3, 1944, and was transmitted by the President to the Senate for its advice and consent. Upon receiving the text of the treaty, the Colorado River Board concluded that the treaty was dangerous to the interests of the State of California in the Colorado River, for the following major reasons:

1. The treaty allotted an excessive amount of water to Mexico, with the consequence that there would not be, under conditions of ultimate development of the basin, sufficient water available, particularly in dry cycles of years, to serve all needs in the United States and supply the amount allotted to Mexico. It was recognized that in view of the controversies between the states in the basin as to the proper interpretation and application of the Colorado River Compact, the Boulder Canyon Project Act and the secretarial contracts executed under that act, it is impossible to foretell whether the deficiencies would fall upon California, Arizona, or in part upon the upper basin, but the hazard that it would impair important California water rights was regarded as sufficiently acute to justify every proper measure in opposition to the treaty.

2. The treaty invested the International Boundary and Water Commission with excessive and uncontrolled authority, administrative, legislative and judicial in character, conflicting with the jurisdiction of other Federal agencies and of the States and subjecting the entire basins of the rivers involved, and the water rights of users throughout the basins, to dictatorial management by the commission. This feature was regarded as harmful to the California water and power agencies.

Accordingly, in March, 1944, with your approval and with the full support and approval of the Legislature, members of the board and its advisors proceeded to Washington for hearings on the treaty which were scheduled shortly to be held before the Senate Committee on Foreign Relations. The proposed hearings were, however, indefinitely postponed early in May, 1944.

In view of the fact that the treaty was supported by official representatives of five States in the Colorado River Basin as well as by Texas and the National Administration, the board considered ways and means to interest in the treaty, organizations and agencies outside of California. Representatives of the board proceeded to confer with public officials and representatives of organizations in the States near and on the Canadian border, with apparently favorable results. Efforts were also made by representatives of the board to bring to the attention of various national organizations the fact that their interests were adversely affected by the treaty, with the result that a substantial number of such organizations adopted resolutions opposing the treaty or particular features of the treaty, and thereafter furnished material contribution to the fight against the treaty. Among these organizations may be mentioned The American Federation of Labor, The American Bar Association, Veterans of Foreign Wars, The National Grange, Brotherhood of Railway Train Men, Railway Labor Executives Association (representing the 19 railway brotherhoods), Inter Mountain Section American Society of Civil Engineers, Western Regional Conference of American National Farm Bureau (representing 11 western States). These organizations were represented when the committee hearings were finally held. What was considered adequate action was obtained from the American Legion and the American National Farm Bureau Federation, but their executives did not consider themselves obliged by such action to appear at the hearings.

Following conferences with Nevada officials, that State declared its opposition to the treaty, and thereafter rendered full and helpful cooperation to California throughout the proceedings. The active assistance of Governor Carville, Senators McCarran and Scrugham, Attorney General Bible and State Engineer Smith is warmly appreciated by the Colorado River Board.

To offset the official support of the treaty by five States in the basin, it was considered advisable to ascertain the sentiment of the actual water users throughout the basin. For that purpose a meeting, called by Governor Carville, was held at Las Vegas, Nevada, January 11 to 13, 1945. It was attended by over 50 delegates. A full discussion of the objections to the treaty was had and a resolution opposing the treaty on many grounds was unanimously adopted. It was estimated that 80 per cent of the actual water users in the Colorado River Basin were represented. Steps were taken for the formation of a permanent organization, and since the meeting, the constitution and by-laws of "The Colorado River Water Users Association" have been prepared, a board of directors has been designated, and Attorney General Alan Bible has been designated as chairman. Representatives of this group appeared at Washington at the hearings, and were very helpful. The cooperation of Mr. Fisher Harris, Judge Arthur V. Watkins and Mr. Hampton Godbe of Utah, and Mr. Greig Scott and Mr. Victor I. Corbell of Arizona, was active and important.

In January, 1945, all Members of the Colorado River Board and advisors proceeded to Washington and organized the work under the chairmanship of Evan T. Hewes, Colorado River Commissioner. A list of the persons representing California at the hearings and thereafter, is attached. The group held daily conferences for the first month, and later, conferences every other day, for the purpose of planning and coordinating the work.

The task of discussing the treaty with Senators was put under the leadership of Otto J. Emme, and the work of preparation and introduction of testimony at the hearings was organized under the leadership of Phil D. Swing.

The hearings before the Senate Foreign Relations Committee commenced on January 22, 1945, and ended on February 21, 1945, including 26 days on which testimony was taken, most of which were full days. California presented nineteen witnesses; other opponents of the treaty—seven; national organizations opposing the treaty—six; State Department—seven; Department of the Interior—four; "The Six States Committee" supporting the treaty—nine; and Texas—nine. The printed transcript in five volumes runs to 1816 pages.

Governor Warren attended the hearings on February 5 and made a clear and forceful statement. Attorney General Kenny made a vigorous opening statement for California on January 30. Both furnished valuable and welcome leadership and advice to the delegation.

On February 23d, before any of the transcript had been printed, the committee voted on the treaty. The vote was 18 to 4 in favor of the treaty, Senator Bridges passing. Senators Johnson, Shipstead, Murray and Pepper voted "no." The majority report was filed February 26th and a minority report signed by Senators Johnson and Shipstead alone was filed March 13th. Senators Pepper and Murray declined to sign on the ground that they were not sufficiently familiar with details to stand cross-examination on the floor.

Senators Johnson and Downey attended the hearings constantly. Senator Downey carried very ably the burden of cross-examination of proponents' witnesses, and made a full day's statement before the committee. Senator McCarran made an excellent



statement before the committee, but was away from Washington during much of the hearing. Senator Scrugham of Nevada was confined to the hospital throughout the hearings but signed an effective statement which was presented, together with one from Governor Carville of Nevada, by State Engineer A. M. Smith. It is considered that the showing presented by the California witnesses and other witnesses opposing the treaty was good. Its effect, however, was limited by the actively partisan tactics of the chairman, Senator Connally of Texas, who constantly forced attention to false quantities and continuously scolded and harassed the California witnesses. The value of the testimony was further limited by the fact that at times only two or three of the 23 members of the committee were in attendance, the maximum on any one day being about 12. Senator Millikin of Colorado and Senator Murdock of Utah attended the hearings regularly, and during part of the time, Senator MacFarland and Senator Hayden of Arizona, Senator Millikin carrying the burden of examination of witnesses on behalf of proponents of the treaty.

Mr. Emme, assisted by many other members of the delegation, carried on a full-scale coverage of the Members of the Senate in personal discussion with results which, in the early stages, appeared eminently favorable. This work was greatly facilitated by the fine cooperation of Senator Johnson and Miss Mary Connor, his secretary, who were able to open freely, doors to Senators' offices.

A series of educational booklets in mimeographed and printed form was prepared for use with Members of the Senate, and copies were distributed among the Senators under covering letters from Senator Johnson and other Senators. Part of the printed material went out over California signatures, others over the name of the Colorado River Water Users Conference, and one over the signature of the Salt River Water Users Association of Arizona.

Mr. Swing took charge of the organization of the California delegation in the House in aid of the program. All 23 Members of the House delegation signed a statement protesting the treaty on specific grounds, which statement was presented at the hearings, by Congressman Lea, chairman of the delegation. The congressmen carried on individual canvassing with Senators with whom they had acquaintance and influence. They also presented on the floor of the House, a series of short speeches for the purpose of arousing interest in the subject. A committee of the California delegation, consisting of Congressmen Phillips, King and Hinshaw, with Congressman Sheppard as chairman, expedited the work in the House.

Press relations work was regularly and diligently carried on by Messrs. Jensen and Kinsey, and later with the assistance of Mr. William Herron, with reasonably good news coverage throughout the country and occasional favorable articles by feature writers. However, editorial comment in Washington and New York was bad, being mainly inspired by State Department handouts, and factually inaccurate.

A number of the California group developed a series of statements as material for senators who appeared willing to make speeches opposing the treaty. This part of the work, however, was unproductive for the most part, in that senators preferred to work up their own statements.

Debate on the treaty opened on March 16 and was concluded on April 18, 1945, on which date the vote on the treaty was taken.

Senator Connally opened the debate with a half-day argument in which he was apparently surprised by being continuously heckled by Senators Johnson, Downey, Chandler, Murdock, Wheeler, Hawkes, and others. On the 18th of March, the Senate took up the nomination of Aubrey Williams for R.E.A. Administrator, and returned to the treaty on March 23rd, at which time Senator Hawkes made an able statement in which he presented a letter written to him by Herbert Hoover, opposing the treaty and explaining its background in so far as it relates to the Colorado River Compact. Senator Downey followed him and continued on March 26th at length, making an able and comprehensive presentation on behalf of the opponents of the treaty, concluding his speech on the 27th. Senator Millikin followed him on the 27th, but on the 28th the Senate took up the War Manpower Bill, the debates on which extended to April 3. On April 4, Senator O'Daniel made a brief statement on behalf of Texas interests, and Senator Millikin concluded his speech in support of the treaty. Senator Downey then, on April 5th, commenced the presentation of the first of a group of about 35 amendments to the treaty, presenting two or three of them but withdrawing them on April 6th, when it appeared inevitable that they would be defeated. On April 9th, Senator Downey consented that the treaty go from the committee of the whole to the Senate itself without amendment, with the purpose of offering reservations rather than amendments in the Senate. The Lend-Lease Bill was taken up on the 10th of April, and a comparatively short discussion of the treaty occurred on the 11th, pending a report from a sub-committee of the Committee on Foreign Relations as to certain reservations initially suggested by Senator Connally.

Senator Connally had originally proposed three reservations. They were discussed by the sub-committee with interested senators and other parties, and were elaborated into a set of eleven reservations. Dissatisfaction with the form of several of these reservations led to amendments to them on later days of the debate.

On April 12th, Senator MacFarland made an extended speech favoring the treaty. On April 14th, Senator McCarran presented and discussed a reply which he had received from Commissioner Bashore of the Bureau of Reclamation to an extensive



list of questions submitted to him by Senator McCarran. This reply was printed as Senate Document No. 39, and confirmed unmistakably the existence of a deficit in the supply of Colorado River water available to meet Lower Basin contract requirements and the Mexican Treaty requirement under conditions of full development in the United States. Senator Murdock also made an extended statement, followed by Senator Downey. The Connally reservations were adopted as amended.

On April 17th, Senator Downey acceded to a unanimous consent agreement that the treaty be voted on at 4:00 o'clock on the 18th. On the 17th, Senator Downey presented three reservations, which were defeated. Senator Hart presented a reservation relating to the Tijuana River, which was withdrawn. Senator Wherry, Senator Chandler, Senator Hawkes and Senator McCarran presented reservations which were defeated. The highest votes for a reservation, other than those presented by Senator Connally, were 24 yeas to 54 nays on the Wherry reservation and 23 yeas to 63 nays on the Hawkes reservation.

On the 18th, all reservations being disposed of, the treaty proceeded to the final vote, which was 76 yeas to 10 nays, the negative votes being cast by Senators Chandler, Downey, Johnson of California, Langer, McCarran, Moore, Shipstead, Wheeler, Wherry and Young.

On the 18th of April, prior to the vote on the treaty, Senator O'Mahoney filed, for himself and Senators Murdock, Hatch, Chavez, Johnson of Colorado, Millikin, Robertson and Thomas of Utah, being all the senators for the four Upper Basin states, Senate Bill No. 894, authorizing the Bureau of Reclamation to construct, operate, and maintain reservoirs and related works in the Upper Basin of the Colorado River in accordance with the comprehensive plan for the Colorado River Basin now being developed by the Bureau of Reclamation. Upon the ground that such construction would "support and facilitate the administration of the water utilization treaty with Mexico," such works are to be constructed under the Reclamation Law, "except that the cost of construction of such reservoirs shall be borne by the United States as an expense of the administration of the water utilization treaty with Mexico." This bill for free development of the Upper Basin is regarded as an extremely hazardous measure so far as the interests of the Lower Basin are concerned. The factors chiefly contributing to the final vote on the treaty in the Senate appear to be the following:

1. The fact that the need of the Texas projects on the lower Rio Grande for conservation of the waters of the Rio Grande by international storage dams is immediate and pressing, was contrasted with the inescapable fact that for many years there will be sufficient water in the Colorado River for all needs, and that any prospective uses in the Colorado River Basin will be adversely affected. It should be noted that such future uses in California are covered by contracts with the United States, under which California institutions have expended more than \$500,000,000.00, believing in the integrity of commitments contained in the Boulder Canyon Project Act and in those contracts.

2. The inference is strong that the Upper Basin senators were committed to the treaty by the prospect or promise of securing construction of projects in the Upper Basin at the expense of the United States, without reimbursement.

3. The incorrect idea was frankly expressed by some eastern and southern senators that while the Colorado River Basin would suffer from the treaty, Texas was gaining enough so that the United States as a whole was not making a very bad bargain.

4. The fact that Mexico greatly increased her use of water during the period of negotiations, led to the feeling that the 1,500,000 acre feet was not an unreasonable allotment, in spite of the fact that the State Department, in conjunction with the Bureau of Reclamation, caused additional releases of water from Boulder, during the period in question, without which Mexico's increased uses could not have been attained.

5. The most important factor, however, was the imminence of the San Francisco Conference, which, coupled with the trend toward internationalism, impelled many senators to vote for the treaty to escape the imputation of isolationism. The argument was strongly voiced that the Senate must not block this treaty, or reject "it, by attaching amendments which would require renegotiation or a fresh consent from Mexico. The leadership of both parties appeared to be committed to this position.

It remains to consider the outcome of the work done at Washington by the California delegation. At the time the treaty was presented to the Senate in February, 1944, it was represented by the State Department to the public as a "model" treaty. At the conclusion of the hearings in February, 1945, although Senator Downey had suggested numerous reservations to the Committee, the majority of the committee still considered it perfect and voted the treaty out without amendment or reservation. When the debate opened, however, there was such an atmosphere of hostility, and it was so evident that many senators were opposed to various features of the treaty, that Senator Connally and the State Department felt compelled to initiate or accept a total of eleven reservations, which were, during the debates, worked over by senators opposing the treaty, to the end that some of them were made more effective. As finally adopted, the reservations are to the following purport:

- (a) No commitment for works to be built at the expense of the United States, other than for eight specific items provided for in the treaty, shall be made without

the prior approval of Congress. This prevents wholesale commitment for American expenditures by agreement between the two State Departments or the two Boundary Commissioners.

(b) The powers of the Secretary of State, the American Commissioner, and the American Section, or any other officer or employee of the United States, in so far as they affect persons and property in the United States, shall be subject to statutory and constitutional controls. This reservation retains in Congress and in the courts, control over these officers and goes far to curb their powers, although its precise import is not readily determinable. It should substantially assist California in the protection of its interests.

(c) The treaty does not authorize the Secretary, or American Commissioner or American Section, to alter or control distribution of water in any of the states, "directly or indirectly". The effect of this reservation is uncertain, but it may be some protection to American water users.

(d) The term "international dam or reservoir" means a dam or reservoir on the international boundary.

(e) The term "international plants" means hydroelectric generating plants at international dams.

(f) The term "electric current" means hydroelectric power generated at an international plant.

The three last reservations limit the terms in question to the Rio Grande.

(g) The jurisdiction of the Commission is limited to the boundary parts of the Rio Grande and Colorado Rivers, and the land boundary between the countries. This sharply cuts down the original extent of the jurisdiction of the Commission.

(h) The term "agreements", as used in Article 24 of the treaty, is limited to agreements made under treaties. This cuts down the field of such agreements.

(i) The term "disputes" in the second paragraph of Article 2 refers only to inter-governmental disputes. This eliminates from the quasi-judicial jurisdiction of the Commission all disputes between States, basins, and private individuals and agencies.

(j) The 1,500,000 acre feet allotted to Mexico is included within the 1,500,000 acre feet specified in Article 10, and the 1,500,000 acre feet is the limit of Mexican rights and claims. This reservation eliminates several dangerous ambiguities.

(k) United States "recognizes the duty to require" that the protective structures to be constructed under Article 12(a) are adequate to prevent damage to property in the United States. This is a half-hearted attempt by the Arizona senators to protect the Yuma Project against flood and seepage damage occasioned by the Mexican Diversion Dam.

In addition to the eleven reservations, a provision was added to the resolution of ratification, to the effect that the reservations "will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will in effect form a part of the treaty", which requires that the reservations be communicated to and accepted by Mexico. Also, there was signed on November 14, 1944, a protocol to the treaty, by which the conflict of jurisdiction between the Boundary Commission and other Federal agencies was cleared up, the effect being that agencies such as the Bureau of Reclamation will continue to construct and manage their existing and future projects, and the direct jurisdiction of the Commission is limited to works along the borders and those used exclusively for carrying out treaty functions.

In general, the eleven reservations and the protocol have drastically whittled down the powers of the Secretary of State and the American Commissioner. The ambiguities in connection with the water allocation, which might have been held by a court of arbitration to allow Mexico as much as 3,000,000 acre feet or perhaps more, have been cleared up.

It is obvious that all of the eleven reservations are directly the product of the effort made by California in opposition to the treaty. That effort, in the opinion of the Colorado River Board, has been justified, although it would have been justified had the outcome been entirely negative. The purpose of the State Department, to set up on the Colorado River by perpetual treaty beyond the control of Congress and the courts, an international supergovernment, has been, for the most part, defeated. The result is that citizens and projects in the United States will not be exclusively subject to the orders of this supergovernment, but will have available a substantial measure of relief at the hands of Congress and the courts.

The main issue of the treaty, the quantity of water allocated to Mexico, remains unchanged, although clarified. Three possible avenues of relief to California from the excessive allocation made to Mexico, should be noted.

1. The State Department engineers estimate that as much as 1,000,000 acre feet of water furnished to Mexico will be "return flow", coming principally from projects in Arizona. California engineers estimate this return flow as low as 250,000 acre feet, but the dependable supply from this source can not be definitely known until the United States approaches full development of the Colorado River Basin.

2. It is conceivable that California may improve its position by pumping back to the river, return flow in the Imperial and Coachella Valleys, which would otherwise flow into Salton Sea. If and when water becomes valuable enough in California to warrant the operation, it is possible to pump this return flow water back into the river for delivery to Mexico. The record before the Senate and the Senate

Committee is reasonably clear that the intent of the treaty is that Mexico must take any water that comes to the boundary, whatever its quality may be. By pumping return flow water into the river, the net consumptive use in California would be pro tanto reduced, with the possibility of claiming an additional equal quantity from Boulder Dam.

3. The question as to what State or States must shoulder the Mexican burden is undetermined. It is possible that other States can be forced to assume a large proportion of the burden. This question can only be settled by decision of the Supreme Court interpreting the compact, Project Act, and the contracts made thereunder. Priority in the time of development and use of California's water projects will undoubtedly play a substantial part in the controversy.

Looking to the future, it is evident to the Colorado River Board that the ratification of the treaty does not determine its activities, but merely transfers the controversies to another forum. The treaty makes more acute the competition among the States for water. As above shown, there will be, under ultimate development, a definite shortage. The board is proceeding at once, with the assistance of its technical advisors, to appraise all relevant factors in the situation as it confronts California, with the purpose of outlining plans and procedure to protect the State's interests. It is obvious that the issues to be met have become more complex. Much of the difficulty and controversy relating to the Colorado River arises from the process of compromise which occasioned the use of ambiguous and unsatisfactory language in the Colorado River Compact and the Boulder Canyon Project Act. The Mexican Treaty and protocol add further ambiguity and confusion, on which the eleven reservations have imposed additional uncertainties.

As rapidly as it can be done, the board expects to present to you for consideration, its views as to its future scope and method of operation.

Respectfully yours,

COLORADO RIVER BOARD OF CALIFORNIA  
By EVAN T. HEWES  
Colorado River Commissioner

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER,

Sacramento 14, California, May 11, 1945

*Honorable Joseph A. Beek, Secretary of the Senate  
Senate Chamber, State Capitol, Sacramento 14, California*

DEAR MR. BEEK: A motion has been made and carried in the Assembly, instructing me to request the Senate to return Assembly Bills Nos. 1075 and 1076 to the Assembly, for further consideration.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### MOTION TO RETURN ASSEMBLY BILLS

Senator Seawell moved that Assembly Bills Nos. 1075 and 1076, be returned to the Assembly pursuant to their request, for further consideration.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1180  
Assembly Bill No. 1978  
Assembly Bill No. 1342

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1844

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 264

Senate Bill No. 600

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1531

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the sub-committee of Governmental Efficiency.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1224

Assembly Bill No. 576

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

## Committee on Public Utilities

## SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 1277

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

PARKMAN, Chairman

Above reported bill ordered to second reading.

## Committee on Water Resources

## SENATE CHAMBER, SACRAMENTO, May 7, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Joint Resolution No. 18

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman.

Above reported resolution ordered to second reading.



## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:  
Assembly Bill No. 581

Has had the same under consideration, and reports the same back with amendments  
with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

CUNNINGHAM, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred

Senate Bill No. 229

Assembly Bill No. 667

Senate Bill No. 230

Assembly Bill No. 1780

Senate Bill No. 231

Has had the same under consideration, and reports the same back with amendments  
with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred

Senate Bill No. 1281

Assembly Bill No. 572

Senate Bill No. 227

Assembly Bill No. 172

Assembly Bill No. 88

Assembly Bill No. 327

Assembly Bill No. 30

Assembly Bill No. 1256

Assembly Bill No. 310

Assembly Bill No. 290

Assembly Bill No. 1679

Assembly Bill No. 1646

Assembly Bill No. 9

Assembly Bill No. 439

Has had the same under consideration, and reports the same back with the recom-  
mendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1063

Has had the same under consideration, and reports the same back with amendments  
with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 484

Assembly Bill No. 1065

Assembly Bill No. 1064

Assembly Bill No. 2148

Has had the same under consideration, and reports the same back with the recom-  
mendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 370

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1179

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Vice Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1068

Senate Bill No. 1069

Senate Bill No. 1238

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 168**—An act to amend Sections 1730 and 1771 of Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings;

And reports that the same has been correctly enrolled, and presented to the Governor on the tenth day of May, 1945, at 4.30 p.m.

SEAWELL, Chairman

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 10th adopted:

Assembly Concurrent Resolution No. 57

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolution was read:

**Assembly Concurrent Resolution No. 57**—Relative to congratulating Stanley Parmisano upon his oratorical ability.

Referred to Committee on Rules.

**Call of the Senate**

Senator Rich moved a call of the Senate.

Motion carried.

Time, 10.49 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 67**—An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

## Amendment No. 1

On page 2, line 27, of the printed bill, after the period insert "No expenditures shall be made pursuant to this article until the Attorney General has investigated the project on which the proposed expenditure is to be made and has approved the project. The Attorney General shall approve a project only if he finds in relation thereto all of the following:

(a) That the Federal law and regulations pursuant thereto conform to the prerequisites of this article.

(b) That the investment of the State will be protected despite the default or failure of any veteran to make any payments or take any steps necessary to vest title in him to the land he seeks to acquire and that in case of any such default or failure the State will be protected by subrogation to the rights of such veteran or by other adequate safeguards.

(c) That the project is otherwise legally sound."

## Amendment No. 2

On page 2, lines 29 and 30, of said bill, strike out "thirteen million dollars (\$13,000,000)", and insert "three million dollars (\$3,000,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 68**—An act to amend Sections 986.4 and 986.5 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 986.4 and 986.5", and insert "Section 986.5 and to repeal Sections 981.6 and 985.4".

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 19, inclusive, and insert

"SECTION 1. Section 986.5 of the Military and Veterans Code is amended to read: 986.5. The cost of a home to the board shall not exceed the sum of six thousand five hundred dollars (\$6,500), and a veteran purchasing the home may advance the difference between the purchase price of the home and the cost of the home to the board but in no case exceeding five thousand dollars (\$5,000), and the total purchase price thereof shall not exceed ten thousand dollars (\$10,000). The cost of a farm to the board shall not exceed twelve thousand five hundred dollars (\$12,500), and

a veteran purchasing the farm may advance not to exceed two thousand five hundred dollars (\$2,500) on the purchase price of the farm so that the total price thereof does not exceed fifteen thousand dollars (\$15,000).

SEC. 2. Sections 981.6 and 985.4 of said code are repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 247**—An act to add Sections 1047, 1048, and 1049 to the Military and Veterans Code, to repeal an act entitled "An act creating the Napa State Farm Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 31, 1929; transferring the Napa State Farm to the Veterans' Home of California, abolishing the Napa State Farm Revolving Fund, creating the Veterans' Home rehabilitation Revolving Fund, and making an appropriation therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 1, line 10, of the printed bill, strike out "training cen-"; and strike out line 11 and insert "necessary adjunct to its farming and livestock activities, work therapy for members of the home, and protection of its water supply; and through removal of livestock activities from the Veterans' Home to the Napa State Farm, shall provide building sites for its Postwar Building Program."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 604**—An act to amend Sections 5241 and 5312 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 512**—An act to amend Sections 1620, 1621, 1626, 1628, and 1629 of the Welfare and Institutions Code, and to add Sections 1601, 1602, 1625.5, and 1631 thereto; to amend the chapter heading of Chapter 2 of Division 2 and Sections 1403, 1404, 1407, 1408, and 1410 of, and to add Sections 1400.1 and 1404.5 and Chapter 3, comprising Sections 1450 to 1453, inclusive, to Division 2 of, the Health and Safety Code; and to add Chapter 5.5, comprising Sections 24550 to 24558, inclusive, to Division 12 of the Education Code, all relating to establishments, homes, and institutions in which children are received and cared for, and providing for the supervision, licensing, regulation, and inspection thereof; prescribing the powers and duties of the State Department of Social Welfare, the State Department of Public Health, and the State Department of Education in relation thereto; and making an appropriation.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 4, lines 9 and 10, of the printed bill, as amended, strike out "or for adoption".

**Amendment No. 2**

On page 6, line 33, of said bill, strike out the period and insert "; but "private school" does not include such establishments as are part of an established system of private education; nor does it include such institutions as have in their operations schools which are part of an established system of private education."

**Amendment No. 3**

On page 6 of said bill, between lines 42 and 43, insert

"1452. Subject to the provisions of Section 1451, the State Department of Public Health shall have the same powers and duties in respect to private schools that it has under Chapter 2 in respect to maternity hospitals, and the provisions of Chapter 2 relating to the licensing, inspection, and regulation of maternity hospitals shall apply to private schools the same as if private schools were expressly mentioned therein.

1453. Every person who operates a private school without possessing a permit is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one year, or by a fine not to exceed five hundred dollars (\$500), or both."

**Amendment No. 4**

On page 7, line 47, of said bill, after "homes", insert ", private schools,".

**Amendment No. 5**

On page 8, line 1, of said bill, strike out "private schools and".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1208**—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 622**—An act to amend Section 1191, 1192A, and 1203C of, and to add Section 1192B to the Penal Code, relating to the procedure prior to the pronouncement of judgment in criminal cases.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended, strike out ", within", and insert "not less than two nor more than".

**Amendment No. 2**

On page 1, line 8, of the printed bill, as amended, strike out "shall", and insert "may".

**Amendment No. 3**

On page 2, line 39, of the printed bill, as amended, strike out "it shall be the duty of the court to", and insert "the court may".

**Amendment No. 4**

On page 2, line 41, of the printed bill, as amended, strike out "whenever any person".

**Amendment No. 5**

On page 2 of the printed bill, as amended, strike out lines 42 through 45, inclusive.

**Amendment No. 6.**

On page 2, line 51, of the printed bill, as amended, strike out "and report according to", and insert "setting forth".

**Amendment No. 7**

On page 2 of the printed bill, as amended, strike out line 52.

**Amendment No. 8**

On page 3, line 1, of the printed bill, as amended, strike out "line provided by it. The aforesaid report shall relate".

**Amendment No. 9**

On page 3 of the printed bill, as amended, strike out line 3, and insert "convicted; the offense; the circum-".

**Amendment No. 10**

On page 3, line 4, of the printed bill, as amended, strike out "including date(s)", and insert "and date thereof".

**Amendment No. 11**

On page 3, line 6, of the printed bill, as amended, strike out "shall give".

**Amendment No. 12**

On page 3 of the printed bill, as amended, strike out line 7, and insert "the disposition of their cases; the weapons used".

**Amendment No. 13**

On page 3 of the printed bill, as amended, strike out line 8, and insert "in the commission of the offense or with which he was armed at the time of arrest;"

**Amendment No. 14**

On page 3 of the printed bill, as amended, strike out lines 10 to 13, inclusive, and insert

"969c of this code; disposition of any charges pending at time of conviction; the opinion of the court and district attorney as to the cause of the criminal acts; and recommendation as to the extent of incarceration and such other information as the judge or district attorney may deem pertinent."

**Amendment No. 15**

On page 3, line 14, of the printed bill, as amended, strike out "tation and parole."

**Amendment No. 16**

On page 3, line 28, of the printed bill, as amended, after "convicted", insert "when so ordered by the court".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 829**—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 26 to 28; and on page 2 of said bill, strike out lines 1 and 2, and insert

"6. An action to recover or compel payment of wages, salary, or overtime compensation, or liquidated damages, interest, penalties, attorney's fees, or other sum, for failure to pay the same, where the right of recovery is based upon or involves an alleged violation of any statute, excepting, however, actions under Division 2, Part 4, of the Labor Code of this State relating to women and minors."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 188**—An act to amend Section 738 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 738 of", and insert "add Section 738.5 to".

**Amendment No. 2**

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 738.5 is added to the Code of Civil Procedure, to read:

738.5. An action may be brought against the State of California to determine whether or not an escheat has occurred as to any real property or interest therein under the provisions of "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, and as amended. Such an action may be commenced by any person claiming an interest in the property. The complaint shall describe the property and shall specify the instrument or instruments in the chain of title to the property which gave rise to the possibility of such escheat. The State of California shall be the sole defendant in such action and no other matter may be adjudicated except the issue of the occurrence of an escheat. No issue shall be raised or claim made by the plaintiff in such action based upon estoppel, or failure of the State to have commenced an escheat proceeding, nor shall any statute of limitation operate to bar an adjudication in such action that the property or any interest therein has escheated to the State. A copy of the complaint and summons shall be served upon the Attorney General or his assistant, or any of his deputies, and upon the district attorney or his assistant, or any of his deputies, and upon the district attorney or county counsel of the county in which the property is situated, or upon their respective assistants or deputies. Such district attorney or county counsel shall perform duties similar to those required to be performed in escheat proceedings commenced by the State under the provisions of the act mentioned in this section. The Attorney General or district attorney or county counsel shall have six calendar months, as a matter of right, in which to answer or otherwise plead. If at any time during the pendency of the action the Attorney General determines that under the law or the facts or both no such escheat has occurred, he may, with the consent of the State Controller, file a disclaimer in such action and thereupon judgment shall be entered against the State."

**Amendment No. 3**

On page 1 of said bill, strike out lines 2 to 27; and strike out all of page 2.

Amendments read and adopted.

**FURTHER AMENDMENTS TO SENATE BILL NO. 188****Motion to Amend**

Senator Rich moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "Section 738.5 to", insert "and amend Section 407 of".

**Amendment No. 2**

In amendment No. 2 of the committee amendments, strike out "6 calendar months", and insert "180 days".

**Amendment No. 3**

Following page 2, line 41, of said bill, insert

"SEC. 2. Section 407 of the Code of Civil Procedure is amended to read:

407. The summons must be directed to the defendant, signed by the clerk or justice, and issued under the seal of the court. It must contain:

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justices' courts, the name of the city, town, or judicial township in which such court is established;

2. The names of the parties to the action;

3. A direction that the defendant appear and answer the complaint within ten days, if the summons is served within the county in which the action is brought[;], or within 30 days, if served elsewhere, *except that if the action is against the State pursuant to Section 738.5 of this Code, within one hundred and eighty days:*

4. A notice, that unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 61**—An act to amend Section 2204 of the Education Code, relating to the governing boards of school districts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "2204", and insert "1012".

#### Amendment No. 2

In line 2 of the title of said bill, strike out "the", and insert "contracts made by".

#### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 31, inclusive, and insert

"SECTION 1. Section 1012 of the Education Code is amended to read:

1012. In school districts entitled to not more than two teachers based on average daily attendance, as shown by the teacher's report for the previous school year, a member of the [board of trustees] *governing board* may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences, and other property, belonging to the district, or in furnishing wood or other necessary supplies. *In any school district the governing board of the district may employ a member of the board or a member of his family as a janitor at a salary of not to exceed fifty dollars (\$50) per month. In all such cases the requisition drawn [in his favor] in payment of services or supplies shall be signed by the other [two trustees] members of the board and shall be subject to approval by the superintendent of schools."*

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1205**—An act to amend Section 5048, to repeal Sections 5049, 5050.1, 5055 and 5100 of, to add Sections 5050.1, 5055 and 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons to State hospitals and providing for the forms of the documents pertaining thereto.

Bill read second time.



## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Institutions:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In the title of the printed bill, strike out lines 1 and 2 and insert "An Act to amend Sections 5048, 5049 and 5055, and to repeal Section 5100 of, and to add Section 5100 to,".

**Amendment No. 2**

In the title of the printed bill, strike out lines 6 and 7, and insert "sons."

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 5, inclusive, and insert "5048. The petition shall contain the following:".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 17 and 18 and insert "him in need of supervision, care or treatment, or to render him dangerous to health, person or property."

**Amendment No. 5**

On page 2, line 1, of said bill, strike out "or the department".

**Amendment No. 6**

On page 2 of said bill, strike out line 3, and insert

"SEC. 2. Section 5049 of said code is amended to read:

5049. The petition shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_

The People  
For the Best Interest and Protection of

\_\_\_\_\_ As a Mentally Ill Person,

and Concerning

\_\_\_\_\_ and

\_\_\_\_\_ Respondents.

} Petition

\_\_\_\_\_, residing at \_\_\_\_\_ (Tel. \_\_\_\_\_),  
being duly sworn, deposes and says: That there is now in the county, in the  
City or Town of \_\_\_\_\_ a person named \_\_\_\_\_  
who resides at \_\_\_\_\_, and who is believed to be mentally ill and  
in need of supervision, care, or treatment.

That the person is \_\_\_\_\_ years of age; that he is \_\_\_\_\_ (sex);  
and that he is \_\_\_\_\_ (single, married, widowed, or divorced); and that  
\_\_\_\_\_ occupation is \_\_\_\_\_.

That the facts because of which petitioner believes that the person is mentally ill  
and in need of supervision, care or treatment are as follows: That he, at  
\_\_\_\_\_ in the county, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

That petitioner's interest in said case is \_\_\_\_\_

That petitioner believes that said person is so mentally ill [that without super-  
vision, treatment, care or restraint, under the provisions of this act, he would be  
dangerous to himself or to the person or property of others.]

(a) as to be in need of supervision, care or treatment under the provisions of this  
act,

or

(b) as to render him dangerous to himself or to the person or property of others.  
(Strike out (a) or (b), whichever is not applicable).

That the persons responsible for the care, support, and maintenance of the mentally ill person, and their relationship to the person are, so far as known to the petitioner, as follows:

(Give names, addresses, and relationship of persons named as respondents.)

(Name)	(Address)	(Relationship to the person alleged to be mentally ill)
(Name)	(Address)	(Relationship to the person alleged to be mentally ill)
(Name)	(Address)	(Relationship to the person alleged to be mentally ill)

Wherefore, petitioner prays that examination be made to determine the state of the mental health of \_\_\_\_\_, alleged to be mentally ill, and that such measures be taken for the best interest and protection of said \_\_\_\_\_, in respect to his supervision, care and treatment, as may be necessary and provided by law.

Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

County Clerk

By \_\_\_\_\_ Deputy

#### Amendment No. 7

On page 2 of said bill, strike out lines 4 to 28, inclusive, and insert

"SEC. 3. Section 5055 of said code is amended to read:

5055. The medical examiners, after making the examination and hearing the testimony, shall make and sign a certificate showing as nearly as possible the facts herein indicated, in substantially the following form:

#### IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF \_\_\_\_\_

The People  
For the Best Interest and Protection of  
As a Mentally Ill Person and Concerning  
\_\_\_\_\_, and  
\_\_\_\_\_, Respondents

#### CERTIFICATE OF MEDICAL EXAMINERS

We, Dr. \_\_\_\_\_ and Dr. \_\_\_\_\_, Medical Examiners in the County of \_\_\_\_\_, duly appointed and certified as such, do hereby certify under our hands that we have examined \_\_\_\_\_, alleged to be mentally ill, and have attended before a Judge of said Court at the hearing on the petition concerning said person, and have heard the testimony of all witnesses, and, as a result of the examination, have testified under oath before the court to the following facts concerning the alleged mentally ill person:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Age \_\_\_\_\_ Sex \_\_\_\_\_  
Occupation \_\_\_\_\_ Marital Status \_\_\_\_\_  
(Single, married, widowed, divorced)

[Religious belief] \_\_\_\_\_  
Pertinent Case History \_\_\_\_\_

General Physical Condition [and Present Mental Status] \_\_\_\_\_  
Present Mental Status \_\_\_\_\_

Laboratory Reports (if any) \_\_\_\_\_

Tentative Diagnosis of Mental Health \_\_\_\_\_

Recommendation for Disposition or Supervision, Treatment and Care \_\_\_\_\_

Reasons for the recommendation-----

Date-----

-----  
Medical Examiner

-----  
Medical Examiner

**Amendment No. 8**

On page 2, line 29, of said bill, strike out "SEC. 7", and insert "SEC. 4".

**Amendment No. 9**

On page 2, line 36, of said bill, strike out "SEC. 8", and insert "SEC. 5".

**Amendment No. 10**

On page 2, line 37, of said bill, strike out "SEC. 9", and insert "SEC. 6".

**Amendment No. 11**

On page 2, line 44, of said bill, after "ill", insert ", or dangerously mentally ill and insane, as the case may be,".

**Amendment No. 12**

On page 3 of said bill, strike out lines 2 to 5, inclusive, and insert "tutions for placement in a State hospital designated by the court, or

(c) that the person be committed to a facility of the Veterans Administration, or other agency of the United States Government, in accordance with the provisions of Section 1663 of the Probate Code."

**Amendment No. 13**

On page 3 of said bill, strike out line 6 and insert "The order may be in such form and contain such findings and other".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2060**—An act to amend Sections 1014, 1015, 1128, 1151, 1175, 1710, 1723, 1742, 1752, 1752.5, 1752.6, 1752.7, 1753, 1754, 1757, 1760, 1760.5, 1760.6, 1760.7, and 1768 of the Welfare and Institutions Code, to repeal Section 1725 thereof and to add Sections 899, 1000.7, 1725, and 1726 thereto, and to amend Section 6002 of the Penal Code, relating to the Youth Authority, redefining the organization, powers, and duties of the Youth Authority and the officers and employees thereof and the rights, liabilities, powers, and duties of other agencies and persons in relation thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2184**—An act to add Section 563.1 to the Military and Veterans Code, relating to the minimum age for membership in the State Guard.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1723**—An act to add Section 7519 to the Business and Professions Code, relating to detectives.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out the comma following "city".

**Amendment No. 2**

On page 1, line 4, of the printed bill, as amended, insert a comma after "county".

**Amendment No. 3**

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "or resolution".

**Amendment No. 4**

On page 1, line 7, of the printed bill, as amended, strike out "police".

**Amendment No. 5**

On page 1, line 8, of the printed bill, as amended, strike out "such".

**Amendment No. 6**

On page 1, line 9, of the printed bill, as amended, strike out "police officer to register", and insert "officers, requiring registration".

**Amendment No. 7**

On page 1, line 11, of the printed bill, as amended, strike out "the".

**Amendment No. 8**

On page 1, line 12, of the printed bill, as amended, strike out "of the licensee".

**Amendment No. 9**

On page 1, line 14, of the printed bill, as amended, strike out "licensee or", and insert "street patrol service or person".

**Amendment No. 10**

On page 1, line 15, of the printed bill, as amended, strike out "employee".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1238**—An act to amend Section 18760 of the Business and Professions Code, relating to boxing and wrestling.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1925**—An act to amend Section 2450 and Section 2452 of the Business and Professions Code, relating to chiroprody.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 130**—An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 599**—An act to add Section 15.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 652**—An act to add Section 2180.1 to the Welfare and Institutions Code, relating to applications for aid to the aged.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 772**—An act to amend Section 2163.2 of the Welfare and Institutions Code, relating to aid to the aged in respect to property qualifications of applicants and recipients.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1703**—An act to add Sections 3086.1, 3087.5, and 3088.5 to, the Welfare and Institutions Code, relating to aid to the needy blind, and providing for procedures and actions in relation thereto.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1958**—An act to add Section 2611 to the Welfare and Institutions Code, relating to public assistance, and providing limitations on the taking of security for aid granted to indigent persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2156**—An act amending Section 634 of the Welfare and Institutions Code, relating to the appointment, selection, and removal, and term of office of probation officers, assistant probation officers, deputy probation officers and of superintendents, matrons and other employees of detention homes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 866**—An act to add Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, to the Probate Code, and to amend Section 1963 of the Code of Civil Procedure, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law relating thereto.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 18, of the printed bill, as amended, strike out the period and insert "except as provided in Section 296.3."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Assembly Bill No. 1420**—An act to amend Section 2969 of the Civil Code, relating to levy of attachments and executions on personal property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 338**—An act to add Sections 1428.1, 1428.2, and 1428.3 to the Penal Code, relating to procedure in criminal cases in municipal, police and justices' courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 389**—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 305**—An act to add Section 1238.1 to the Code of Civil Procedure, relating to eminent domain.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1706**—An act to amend Section 131.5 of the Civil Code, relating to interlocutory judgments of divorce.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 574**—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification

and compensation and for the selection of jurors therein." approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 411**—An act to amend Section 690 of, and add Section 690.26 to, the Code of Civil Procedure, relating to exemptions from executions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 949**—An act to add Section 1060.1 to the Probate Code, relating to deposit of money or property with the county treasurer.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 950**—An act to amend Section 1027 of the Probate Code, relating to the distribution of estates and notice to the State Controller.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 951**—An act to add Section 1274bb to the Code of Civil Procedure, relating to the escheat of property paid or deposited in Federal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1624**—An act to amend Section 1203 of the Penal Code, relating to granting of probation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1511**—An act to amend Section 1018 of the Code of Civil Procedure, relating to service of process.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2169**—An act to add Section 328f to the Civil Code, relating to the transfer of shares of stock or other securities registered in the names of joint tenants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 787**—An act repealing Sections 671, 672, 673 and 1194 of the Code of Civil Procedure, amending Sections 675, 675b, 705, and 1033 of the Code of Civil Procedure, and amending Section 730 of the Probate Code, relating to the court records in the superior court.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "673 and 1194", and insert "and 673".

#### Amendment No. 2

In line 2 of the title of said bill, strike out "and".

**Amendment No. 3**

In line 3 of the title of said bill, after "1033", insert ", and 1194".

**Amendment No. 4**

On page 1, line 1, of said bill, strike out "673 and 1194", and insert "and 673".

**Amendment No. 5**

On page 3 of said bill, after line 47, insert

"SEC. 7. Section 1194 of the Code of Civil Procedure is amended to read:

1194. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be [docketed] *entered* against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 29**—An act to amend Sections 6302, 6304, 6305 and 6306 of the Education Code, relating to school district budgets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 543**—An act to amend Sections 16461 and 16463 of the Education Code and Section 485 of the Health and Safety Code, all relating to health services for public school pupils.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 679**—An act to add Section 2102.1 to the Education Code, relating to the election of members of boards of education.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 765**—An act to amend Sections 8161, 8821.1, 9034.1, 16276, 16277, and 18058 of the Education Code, all relating to the public school system.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 814**—An act to add Section 13843 to the Education Code, relating to the payment of salaries of employees of school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1062**—An act to amend Sections 14722, 14726, 14736, and 14776 of the Education Code, relating to district and joint district retirement salary plans.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2158**—An act to amend Section 11151 of the Education Code, and to add Article 5.5 to Chapter 2 of Division 6 of said code, relating to textbooks and teachers' manuals for use in the public elementary schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 596**—An act to add Section 10301.3 to the Education Code, relating to the financial support of elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 10301.3", and insert "Sections 10301.3 and 10301.4".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "the financial support of elementary schools", and insert "courses of study in elementary schools".

**Amendment No. 3**

On page 1 of said bill, between lines 13 and 14, insert

"SEC. 2. Section 10301.4 is added to said code, to read:

10301.4. Notwithstanding anything in Section 10301 to the contrary, an elementary school district in any union high school district maintaining a junior high school may maintain a course of study including the seventh and eighth grades if the number of pupils in the seventh and eighth grades residing in the elementary district is more than 35 per cent of the number of pupils in said grades in the district maintaining the junior high school, and if a majority of the electors residing in the elementary district petition the governing board of the elementary district to maintain such course of study. One copy of such petition shall be transmitted to the county superintendent of schools and one copy shall be transmitted to the Department of Education."

**Amendment No. 4**

On page 1, line 14, of said bill, strike out "SEC. 2", and insert "SEC. 3."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Assembly Bill No. 1215**—An act to add Chapter 3.5, comprising Section 8301, to Division 4 of the Education Code, relating to the study of child growth and development.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 7, of the printed bill, after "for", insert "study of child care, growth and development, to which".

**Amendment No. 2**

On page 1, line 16, of said bill, after "district", insert "may be admitted".

**Amendment No. 3**

On page 1, line 17, of said bill, after "in", insert "child care, home making or".

**Amendment No. 4**

On page 1, line 17, of said bill, after "Attendance", insert "of children".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Assembly Bill No. 2076**—An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

Bill read second time, and ordered to third reading.



## THIRD READING OF SENATE BILLS

**Senate Bill No. 838**—An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act.

Bill read third time.

## Motion to Amend

Senator Brown moved the adoption of the following amendments:

## Amendment No. 1

On page 2 of the printed bill, as amended, between lines 8 and 9, insert

"The economic utility of the property to the user of it for the purpose or purposes to which it is suited is the prime factor in determining the reasonableness of any such charge. For example, in the case of a lease for the grazing of livestock, the value of the forage to the livestock producer, taking into consideration the number of livestock the property reasonably will support when used in a manner that will conserve it as a grazing resource and the monetary return to the livestock producer by such use of the property, is the prime factor in determining the reasonableness of the rental charge."

## Amendment No. 2

On page 2 of said bill, strike out lines 16 to 52, inclusive; and on page 3 strike out lines 1 to 5, inclusive, and insert

"SEC. 4. With the approval of the legislative body of a local agency, the board or officer having charge or control of real property belonging to that local agency, upon a finding that the public interest would be furthered thereby, may sell or lease said property without advertising and without inviting or calling for bids therefor.

SEC. 5. If a local agency receives in excess of a reasonable charge for the sale or other disposition or for the leasing, licensing or other use of any of its real property, it shall repay the amount of such excess, with interest from the date of collection, to the person or persons from whom received.

SEC. 6. It is against public policy to permit a person to waive, and no person may waive the benefit of any of the provisions of this act, nor may he waive any right of action accruing to him hereunder, nor any right he may have as to the place of commencement or trial of any such action."

## Amendment No. 3

On page 3, in line 25, of said bill, strike out "8", and insert "7".

## Amendment No. 4

On page 3, in line 43, of said bill, strike out "9", and insert "8".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 342**—An act to amend Sections 7301 and 7302 of the Business and Professions Code, relating to the State Board of Cosmetology.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 11.45 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 578**—An act to add Section 116 to the Health and Safety Code, relating to the acceptance of gifts by the Director of Public Health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 992**—An act to add Section 13920.1 to the Government Code, relating to the auditing of claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—28.

NOES—Senators Fletcher, Rich, and Swing—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1278**—An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and or issuing and selling of bonds, the voting and or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State

empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelley, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 432**—An act to amend Section 20 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, by amending subsection (b) thereof and adding subsection (c) thereto relating to the power of water conservation districts to enter into cooperative contracts and agreements with municipalities, water districts of all types and kinds, counties, cities and counties, the State of California, or the Government of the United States for the acquisition and /or construction and/or disposal of works, water, water rights or water storage facilities authorized to be acquired and or constructed and/or disposed of by the terms of said act, and prescribing certain provisions to be incorporated in such contracts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 433**—An act to amend Section 35 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all Proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, relating to calling of elections in water conservation dis-

tricts to submit to the qualified electors thereof whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of said act, prescribing a notice of said election, specifying the matters to be submitted to said electors and the vote necessary to authorize said assessment, providing said assessment may be levied in two, three, four or not to exceed 40 annual installments, and prescribing the purposes for which said assessment must be used.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 20**—Relative to endorsing and urging the passage of H. R. 2081, to permit the use of live decoys in the taking of ducks.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1068**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1069**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 1238**—An act to add Section 6018 to the Revenue and Taxation Code, relating to the sales and use taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—Senators Rich and Swing—2.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 158**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

#### RECESS

At 12 m., on motion of Senator Seawell the Senate recessed until 2 p.m.

#### REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the Desk.

#### Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 744**—An act to amend Section 2210, Public Resources Code, relating to the Division of Mines Revolving Printing Fund.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—26.

NOES—Senator Mayo—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1505**—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 897**—An act to add Section 44.2 to the Vehicle Code, relating to emergency utility vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Assembly Bill No. 478**—An act to add Section 131.5 to the Streets and Highways Code, relating to roadside parks.

Bill read third time, and presented by Senator Fletcher.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1392**—An act to add Chapter 8.5 to Division 2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Dorsey.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.27 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

**President of the Senate Presiding**

At 3.17 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

**MOTION TO RECONSIDER AMENDMENTS TO SENATE BILL NO. 677**

Pursuant to his motion previously made, Senator Rich moved that the Senate at this time, reconsider the vote whereby the amendments offered by Senator Carter to Senate Bill No. 677, were adopted.

The roll was called and the amendments to Senate Bill No. 677 reconsidered by the following vote:

**AYES**—Senators Burns, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Judah, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—24.

**NOES**—Senators Biggar, Breed, Brown, Carter, Dillinger, Donnelly, Hatfield, Hulse, Keating, Powers, and Tenney—11.

Senator Carter withdrew the amendments.

**MOTION TO RECONSIDER AMENDMENTS TO SENATE BILL NO. 677**

Pursuant to his motion previously made, Senator Crittenden moved that the Senate, at this time, reconsider the vote whereby the amendments offered by Senator Donnelly to Senate Bill No. 677 were adopted.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Donnelly moved a call of the Senate.

**Motion carried. Time, 3.22 p.m.**

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 899**—An act to amend Sections 130 and 140 of, and to add Sections 146.1 and 146.2 to, the Vehicle Code, relating to the registration and records of the department.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

## Motion to Reconsider

Senator McCormack moved to reconsider the vote whereby Assembly Bill No. 899 was passed.

The roll was called, and Assembly Bill No. 899 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

## FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 899

## Motion to Amend

Senator McCormack moved the adoption of the following amendment:

## Amendment No. 1

On page 3 of the printed bill, as amended, at the end of line 32, strike out the period and insert "but the".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 980**—An act to amend Section 172 of the State Civil Service Act and Section 19533 of the Government Code, relating to demotions.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 78**—An act to amend Sections 152.5 and 152.6 of the State Civil Service Act and Sections 19390 and 19397 of the Government Code, relating to rights of civil service employees.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 224**—An act to add Sections 739.2 and 756 to the Vehicle Code, relating to offenses under said code.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 668**—An act to amend Section 582, to repeal Section 585 and to add Sections 584.1, 585 and 585.1 to the Vehicle Code, relating to the parking or leaving of vehicles on highways and the authority of officers to remove the same for safekeeping, for notices to be given before lien may be claimed for the cost of storage.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1795**—An act to repeal Part 2 of Division 6 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for the Bay of San Diego.

Bill read third time, and presented by Senator Fletcher.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 42**—Relative to the California Food and Fiber Production Council and the period of its existence and functioning.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 691**—An act to amend Section 459 of the Fish and Game Code, relating to general regulations.

Bill read third time, and presented by Senator Gordon.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1282**—An act to amend Section 1347 of the Fish and Game Code, relating to elk.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1283**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read third time.

#### Motion to Amend

Senator Gordon moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "ten dollars (\$10)", and insert "five dollars (\$5)".

Amendment read and adopted.

Bill ordered reprinted, and to third reading.

#### Secretary J. A. Beek at the Desk

**Assembly Bill No. 1284**—An act to amend Section 781 of the Fish and Game Code, relating to lobsters.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.35 p.m., on motion of Senator Donnelly, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the amendments to Senate Bill No. 677 reconsidered by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Fletcher, Kuchel, McBride, McCormack, Mixer, Rich, Salsman, Slater, Sutton, Swing, Ward, Weybret, and Mr. President—19.

NOES—Senators Biggar, Breed, Burns, Carter, Collier, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Parkman, Powers, Quinn, and Seawell—18.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 689**—An act to repeal Section 486 of the Fish and Game Code, relating to fish.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—26.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1379**—An act to amend Section 887 of the Fish and Game Code, relating to fish.

Bill read third time, and presented by Senator Hulse.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, Mixer, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 532**—An act to add Section 131.5 and 143.5 to the Agricultural Code, relating to liens on tax-deeded lands.

Bill read third time, and presented by Senator Hatfield.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mayo, Mixer, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 313**—An act to amend Sections 131, 137, 138, 145, 146, 147, 159 and 159A of the Agricultural Code, relating to plant quarantine and pest control.

Bill read third time, and presented by Senator Hatfield.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to pay the claim of the County of San Joaquin against the State of California.

Respectfully submitted.

SENATOR CRITTENDEN

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 11, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Finance.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read the first time:

**Senate Bill No. 1282:** By Senator Crittenden—An act making an appropriation to pay the claim of the County of San Joaquin against the State of California.

Referred to Committee on Finance.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Gordon:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

Respectfully submitted.

SENATOR GORDON

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 11, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Public Health and Safety.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.



**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1233:** By Senator Gordon—An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

Referred to Committee on Public Health and Safety.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 2000**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Bill read third time.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, lines 12 and 13, of the printed bill, as amended, strike out "six thousand dollars (\$6,000)", and insert "seven thousand five hundred dollars (\$7,500)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 595**—An act to amend Sections 5453, 5457, 7102, 7103, 7135, 7136, 7202, 7203 and 7205 of the Education Code, to add Sections 7105.2 and 7137.2 to said code, and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

Bill read third time.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 47, of the printed bill, as amended, strike out "six-year", and insert "four-year".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO PRINT COPIES**

Senator Hatfield moved that 1,500 copies of the final report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor be printed.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 411**

Senator Mixter moved that Senate Bill No. 411 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 411**—An act to repeal Section 282 of, and to add Section 255 to, the Fish and Game Code, relating to game refuges.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "282 of, and to add Section 255 to," and insert "169 of".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "282", and insert "169".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 17, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER.

Sacramento 14, California, May 11, 1945

*Honorable Joseph A. Beck, Secretary of the Senate*

*Senate Chamber, State Capitol, Sacramento 14, California*

DEAR MR. BECK: A motion has been made and carried in the Assembly, instructing me to request the Senate to return Assembly Bill No. 2066 to the Assembly, for further consideration.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## MOTION TO RETURN ASSEMBLY BILL

Senator Seawell moved that Assembly Bill No. 2066 be withdrawn from Committee on Judiciary and be returned to the Assembly, pursuant to their request, for further consideration.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 497

Assembly Bill No. 1693

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1472

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

**Assembly Bill No. 1472**—An act to amend Sections 265, 268, and 272 of the Vehicle Code, relating to the issuance of chauffeurs' licenses.

Referred to Committee on Transportation.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 873

Senate Bill No. 1082

And reports the same correctly engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Collier:

## Senate Resolution No. 107

Relative to the creation of a Senate Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof

WHEREAS, The public highways, streets and bridges of California are useful, necessary and indispensable arteries of travel and commerce and have been constructed and improved at great public expense; and

WHEREAS, Such facilities have been built and are maintained by the use of funds derived from taxes on property, from Federal aid, and from registration fees, gasoline taxes and other fees collected as compensation for road use; and

WHEREAS, The demands of war have subjected the streets and highways of this State to unusual and destructive burdens while limiting the materials and manpower available for necessary maintenance, reconstruction and expansion; and

WHEREAS, It is recognized that pavements and other highway improvements are not permanent, but must be rebuilt, resurfaced and modernized, indicating the need of foresight in the treatment of financial problems in connection with the inevitable postwar program of reconstruction; and

WHEREAS, The planning and construction of highways, streets and bridges in California has not included a complete analysis of all the problems involved, including the fullest economic development of the State by opening up underdeveloped areas to economic opportunity and to provide proper transportation to meet changing economic and industrial conditions; and

WHEREAS, No adequate study has been made to determine whether the funds contributed for highway, street and bridge construction and maintenance have been levied equitably either on property of business in relation to its benefits or upon the users in direct proportion to their use; and

WHEREAS, There is inadequate information available to the Senate as to the actual annual cost of roads and streets and the fair apportionment of such cost between those who use them; and to that end the Senate is in need of data as to the total mileage of roads and streets, the capital investment therein, the total sum which should be collected each year in road use charges or other fees in order to maintain, replace and modernize the same, and the proper amount which should be paid each year by users of public thoroughfares to meet the total annual cost of all public roads and streets; and

WHEREAS, The Senate is in need of an adequate report on the foregoing matters, including (a) the present status of the highway system, (b) existing deficiencies therein to meet present demands, (c) a schedule of progressive improvements necessary to keep abreast of future demands, (d) a schedule of maintenance to keep the capital investment up to standard, (e) a schedule of improvements necessary to develop areas of the State that should be opened up to economic opportunity, (f) special problems relating to highways and matters incidental thereto, (g) the financing of highways and the administration of the highway system, (h) the interrelationship between State and local governments in relation to the foregoing and the interrelationship of the State and Federal Government, and (i) the control of traffic on the highways in the interest of safety, which report should include so far as feasible both present needs and future needs for a period of at least 10 years; now, therefore, be it

*Resolved by the Senate of the State of California as follows:*

1. The Senate Fact-Finding Committee on highways, streets and bridges is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts and matters relating or pertaining to the subjects set forth in the foregoing recitals, including but not limited to all facts relative to the cost of constructing, maintaining and improving public highways, streets and bridges in the State, the need and cost for bringing them up to acceptable standards, the cost of maintaining them in such condition, and the need and cost of expanding the highway system of the State to meet the increasing demands for travel, the demands arising and changing economic and industrial conditions, and the opening up of undeveloped areas, the use now and hereafter to be made of such highways, streets and bridges, and the proper distribution and allocation of the cost and burden of construction and maintenance in proportion to benefits both to users and to property as demonstrated by impartial engineering studies, and also including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of nine Members of the Senate appointed by the Rules Committee thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the 15th legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Senate and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. An Advisory Council to the committee is hereby created, to consist of five non-legislative members appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The Advisory Council shall have and exercise powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution. Members of the Advisory Council shall be entitled to the same mileage and expenses, or the allowance in lieu thereof, as members of the committee.

7. The sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its employees, and of the Advisory Council, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Referred to Committee on Rules.

#### ADJOURNMENT

At 5.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Saturday, May 12, 1945.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

SIXTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-FIFTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, May 12, 1945

The Senate met at 9.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Burns, Carter, Crittenden, Cuninghame, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Biggar, on motion of Senator Seawell, due to legislative business.

Senator Collier, on motion of Senator Seawell, due to legislative business.

Senator DeLap, on motion of Senator Seawell, due to legislative business.

Senator Jespersen, on motion of Senator Seawell, due to legislative business.

Senator McBride, on motion of Senator Seawell, due to legislative business.

Senator Parkman, on motion of Senator Seawell, due to legislative business.

Senator Swing, on motion of Senator Seawell, due to legislative business.

Senator Ward, on motion of Senator Seawell, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hugh Connelly, U. S. Navy, and May Lee, both of Sacramento.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. E. Moore of Long Beach, and Mrs. Robert Erwin of El Monte.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Midshipman Joseph Allan Beek, Jr., son of Secretary Beek.

**MOTION TO PRINT REMARKS**

Senator Seawell moved that the remarks of Senator Slater regarding Mothers' Day be printed in the Journal.

Motion carried.

**CONSIDERATION OF DAILY FILE****THIRD READING OF SENATE BILLS**

**Senate Bill No. 615**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

**Motion to Refer Bill to Inactive File**

Senator Sutton moved that Senate Bill No. 615 be placed on the inactive file.

Motion carried.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 1224**—An act to provide for the establishment of master and official plans in cities, cities and counties, and counties, and for the adoption of ordinances pursuant thereto; to prescribe the manner of adoption of such plans, portions thereof and amendments thereto, and the composition and effects thereof; to provide for the establishment and appointment of planning commissions by cities, cities and counties, and counties, for the creation or regional planning districts and the establishment and appointment of regional planning commissions and the State Conservation and Planning Board and director of planning; to define the powers and duties of such commissions and the State Conservation and Planning Board and the director of planning, and to provide for the exercise of such powers; to provide for the levy of special taxes for the support of planning commissions, and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; and prescribing penalties for the violation thereof; and to repeal Chapter 331, Statutes of 1935, and the Planning Act of 1929, as amended, relating to planning commissions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 11, of the printed bill, after "members", strike out "who shall be persons who hold no"; and on page 2, line 1, strike out "other office or position with the city", and insert "who may be persons who hold an office or position with the city; provided, however, that the number of members of such commission who are not officials of said city shall exceed the number of members who may be officers or employees of such city."

**Amendment No. 2**

On page 2 of said bill, strike out lines 3 to 10, inclusive, and insert "the legislative body. County planning commissions shall consist of not less than five nor more than seven members, not officials of the county, appointed by the chairman of the board of supervisors, with its approval. The board of supervisors shall select advisory members of the commission, of whom one shall be the district attorney, one the chief engineer of the county, or the county surveyor, one a member of the board of supervisors, and other officials of said county, not supervisors. The district attorney and the chief engineer or surveyor, named as advisory members, may each designate one of his deputies to sit on the commission in his absence. The advisory members shall have no votes. In any".

**Amendment No. 3**

On page 2 of said bill, strike out lines 15 to 25, inclusive.

**Amendment No. 4**

On page 2 of said bill, between lines 25 and 26, insert

"Any two or more legislative bodies of cities or counties may by resolution establish a commission, to be known as an "urban planning commission," of not less than five members, to be appointed by the chief executive officers of the respective cities or counties with the approval of the legislative bodies thereof, from the respective city or county planning commissions. Any grouping of cities and counties, or cities or counties, or parts thereof, may be allowed in any urban area."

**Amendment No. 5**

On page 3, line 2, of said bill, strike out "ex officio", and insert "advisory".

**Amendment No. 6**

On page 5, line 46, of said bill, strike out the period, and insert ", and shall hold at least one regular meeting every three months."

**Amendment No. 7**

On page 5, line 48, of said bill, after "City," insert "Urban,".

**Amendment No. 8**

On page 5, line 52, of said bill, after "city," insert "urban area,".

**Amendment No. 9**

On page 6 of said bill, strike out lines 22 and 23, and insert "and other areas required for the accomplishment of the con-".

**Amendment No. 10**

On page 6, line 29, of said bill, after "buildings", insert "and the districting or zoning thereof".

**Amendment No. 11**

On page 6, line 38, of said bill, after "treatment", insert "and the delineation of the land thereof, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes in the existing system".

**Amendment No. 12**

On page 7 of said bill, strike out line 3, and insert "design, development and redevelopment."

**Amendment No. 13**

On page 7, line 28, of said bill, after the period, insert "Before recommending to the legislative body any such plan or any amendment thereto, the planning commission shall hold at least two public hearings thereon, at least 10 days apart, notice of the time and place of each of which shall be given by at least one publication in a newspaper of general circulation in the city or county, and by such other means as the commission may deem necessary. A copy of any plan recommended pursuant to the provisions of this section shall be certified to the legislative body and shall be accompanied by a report of findings, summaries of hearings and recommendations of the planning commission."

**Amendment No. 14**

On page 8, line 15, of said bill, after "county", insert ", or of the urban area in which such city or county is situated,".

**Amendment No. 15**

On page 8 of said bill, between lines 41 and 42, insert

"SEC. 18.5. The regional, county, and city planning commissions shall, during the formulation of plans for community design and public buildings, notify the governing boards of school districts having jurisdiction of the areas considered, of the preparation of such plans to the end that adequate and properly located school sites may be provided for.

SEC. 18.6. Whenever the planning commission of any city or county finds that there are two or more streets within the city or county that have the same name or names so similar as to confuse the public, the commission may adopt a resolution of intention to adjust, alter, or change said street names or some of them so as best to serve the public convenience. Such resolution shall be set for hearing and notice of such hearing shall be given by posting notice in at least three public places along the street or streets proposed to be affected, such posting to be complete at least ten days before the day set for the hearing. At the time set for hearing or at any time to which the hearing may be continued the commission shall hear and consider proposals to adjust, alter or change the names of the streets mentioned in the resolution and objections to such proposals. At or after the conclusion of the hearing the commission may make such recommendations as it deems appropriate to the legislative body of the city or county and the legislative body shall thereupon take such action as it considers proper. When any street is known by two or more names or when portions of the same street have names that conflict, the commission may, by resolution adopted without a hearing, recommend to the legislative body a single name for said street."

**Amendment No. 16**

On page 9 of said bill, strike out line 26 and insert "hold at least two public hearings thereon, notice of the time and".

**Amendment No. 17**

On page 9, line 27, of said bill, after "of", insert "each of".

**Amendment No. 18**

On page 9, line 28, of said bill, strike out "or in", and insert a period.

**Amendment No. 19**

On page 9 of said bill, strike out lines 29 to 31, inclusive, and insert "The adoption of".

**Amendment No. 20**

On page 11 of said bill, strike out lines 18 to 38, inclusive, and insert "SEC. 25. Upon receipt of".

**Amendment No. 21**

On page 11, line 39, of said bill, after "copy", insert "of any plan recommended pursuant to the provisions of Section 15,".

**Amendment No. 22**

On page 12, line 11, of said bill, after "park", insert ", air park".

**Amendment No. 23**

On page 12, line 14, of said bill, after "structure", insert "of any governmental agency".

**Amendment No. 24**

On page 12 of said bill, between lines 38 and 39, insert

"Information as to State projects which are proposed shall be submitted to regional, county and city planning commissions, for their review, approval or suggested revision, at such time and in such manner and in such cases as may be provided by rule of the State Conservation and Planning Board."

**Amendment No. 25**

On page 13 of said bill, after line 42, insert

"Article 7. Miscellaneous"



**Amendment No. 26**

On page 14, line 2, of said bill, after the quotation marks, insert "“Urban area” means any area, united for planning purposes, and may include populated or unpopulated or unimproved areas. Each part of an urban area shall be contiguous to or surrounded by one or more of the other included areas.”

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1277**—An act to add Section 70.5 to the Public Utilities Act, relating to the valuation of water systems of water corporations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Joint Resolution No. 18**—Relative to the construction of an electric transmission line from Shasta Power Plant to San Francisco Bay.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Water Resources:

**Amendment No. 1**

On page 1, line 27, of the printed bill, after “California”, insert “at all times, however, having a due regard to the prior claims of irrigation, water for undeveloped lands, for flood control, navigation and saline control.”

Amendment read and adopted.

Resolution ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 229**—An act to amend Section 7a of an act entitled “An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein,” approved May 23, 1925, relating to municipal courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 20, of the printed bill, strike out “ninety”, and insert “eighty-five”.

**Amendment No. 2**

On page 1, line 21, of the printed bill, strike out “\$290”, and insert “\$285”.

**Amendment No. 3**

On page 2, line 10, of the printed bill, strike out “eighty-five”, and insert “eighty”.

**Amendment No. 4**

On page 2, line 10, of the printed bill, strike out “\$185”, and insert “\$180”.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 230**—An act to amend Section 7 of the Municipal Court Act of 1925 relating to municipal courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 16, of the printed bill, as amended, strike out "seventy-five", and insert "fifty".

**Amendment No. 2**

On page 1, line 16, of the printed bill, as amended, strike out "\$675", and insert "\$650".

**Amendment No. 3**

On page 1, line 18, of the printed bill, as amended, strike out "seventy-five".

**Amendment No. 4**

On page 1, line 19, of the printed bill, as amended, strike out "\$675", and insert "\$600".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 231**—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2 between lines 2 and 3, of the printed bill, insert "Two deputies at one hundred fifty dollars (\$150) ;".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1281**—An act to add Section 959.5 to the Streets and Highways Code, relating to the abandonment of county highways, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 227**—An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time, ordered engrossed, and to third reading.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1180**—An act to amend Section 79 of, and to add Section 79.1 to, the State Employees Retirement Act, providing that a city fireman or city policeman may retire under the provisions of said State Employees Retirement Act after he has completed 20 years of continuous service and upon reaching the age of 55 years.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1978**—An act to amend Section 51b of the Alcoholic Beverage Control Act, relating to forfeitures.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1342**—An act to add Section 35.5 to the State Civil Service Act and Section 18708.5 to the Government Code, relating to exempt positions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1844**—An act to amend Sections 20019 and 20608 of, and to add Sections 20019.1, 20021.1, 20461.1, 20606.1 and 20608.1 to the Government Code, relating to the State Employees Retirement System, and defining the status of motor coach operators therein.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "20608", and insert "20606".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1531**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 3, line 41, of the printed bill, as amended, strike out "the work of clearance and", and insert "in the work of clearance and in".

## Amendment No. 2

On page 5, line 20, of said bill, strike out "rehabilitation", and insert "rehabilitation".

## Amendment No. 3

On page 8, line 30, of said bill, strike out "rehabilitation", and insert "redevelopment".

## Amendment No. 4

On page 10, line 23, of said bill, after "time", insert "after two years".

**Amendment No. 5**

On page 10, line 50, of said bill, strike out "Section 42", and insert "Section 41".

**Amendment No. 6**

On page 17, line 2, of said bill, strike out "any such owner fails", and insert "such owner or owners fail".

**Amendment No. 7**

On page 17, line 3, of said bill, strike out "refuses", and insert "refuse".

**Amendment No. 8**

On page 18 of said bill, strike out lines 49 to 51, inclusive.

**Amendment No. 9**

On page 20, line 14, of said bill, strike out "development", and insert "redevelopment".

**Amendment No. 10**

On page 20, line 47, of said bill, strike out "of", and insert "or".

**Amendment No. 11**

On page 22, line 28, of said bill, after "Federal", insert "or State".

**Amendment No. 12**

On page 22 of said bill, strike out lines 44 and 45, and insert "such work to be done in a project, the agency shall ascertain the general prevailing".

**Amendment No. 13**

On page 22, line 49, of said bill, strike out "what".

**Amendment No. 14**

On page 22, line 52, of said bill, strike out "or work".

**Amendment No. 15**

On page 23 of said bill, between lines 15 and 16, insert  
"The said agency shall require the successful bidder or bidders to file with the agency good and sufficient bonds, to be approved by the agency, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter."

**Amendment No. 16**

On page 23 of said bill, strike out lines 17 to 23, inclusive.

**Amendment No. 17**

On page 23, line 25, of said bill, strike out "Article 18.", and insert "Article 17."

**Amendment No. 18**

On page 23, line 27, of said bill, strike out "SEC. 89.", and insert "SEC. 88."

**Amendment No. 19**

On page 23, line 30, of said bill, strike out "SEC. 90.", and insert "SEC. 89."

**Amendment No. 20**

On page 23, line 39, of said bill, strike out "the planning commission", and insert "each planning commission".

**Amendment No. 21**

On page 24, line 4, of said bill, strike out "Article 19.", and insert "Article 18."

**Amendment No. 22**

On page 24, line 6, of said bill, strike out "SEC. 91.", and insert "SEC. 90."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 576**—An act to amend Sections 19598, 19620 and 19627 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, after "claimant", insert "if certified by the board to the licensee within 90 days after the close of the racing meet. If approved by the board subsequent to 90 days after the racing meet, and before the expiration of one year after such racing meet, the board shall file a claim with the State Controller for payment of such claim out of the Special Deposit Fund."

**Amendment No. 2**

On page 1, line 15, of the printed bill, as amended, strike out "One year and 30", and insert "Ninety".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 581**—An act amending Sections 18, 20, 26, 28, 43.5, 44, 73, 100, 101, 112, 133, and 160 of, adding Sections 34, 57.3, and 64.1 to, adding Article 7.5 consisting of Sections 121, 122, 123, 124, 125, 126, 127, and 128 to, and repealing Section 136 of, the County Employees Retirement Act of 1937, relating to retirement.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 49 to 52, inclusive.

**Amendment No. 2**

On page 3 of the printed bill, as amended, strike out lines 1 to 9, inclusive.

**Amendment No. 3**

On page 3, line 10, of the printed bill, as amended, strike out "8", and insert "7".

**Amendment No. 4**

On page 3, line 15, of the printed bill, as amended, strike out "9", and insert "8".

**Amendment No. 5**

On page 3, line 20, of the printed bill, as amended, strike out "10", and insert "9".

**Amendment No. 6**

On page 3, line 34, of the printed bill, as amended, strike out "11", and insert "10".

**Amendment No. 7**

On page 3, line 45, of the printed bill, as amended, strike out "12", and insert "11".

**Amendment No. 8**

On page 4, line 4, of the printed bill, as amended, strike out "13", and insert "12".

**Amendment No. 9**

On page 4, line 12, of the printed bill, as amended, strike out "14", and insert "13".

**Amendment No. 10**

On page 5, line 12, of the printed bill, as amended, strike out "15", and insert "14".

**Amendment No. 11**

On page 5, line 19, of the printed bill, as amended, strike out "16", and insert "15".

**Amendment No. 12**

On page 5, line 32, of the printed bill, as amended, strike out "17", and insert "16".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 667**—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 2, line 4, of the printed bill, strike out "ninety", and insert "eighty-five".

##### Amendment No. 2

On page 2, line 5, of the printed bill, strike out "\$290", and insert "\$285".

##### Amendment No. 3

On page 2, line 15, of the printed bill, strike out "eighty-five", and insert "eighty".

##### Amendment No. 4

On page 2, line 15, of the printed bill, strike out "\$185", and insert "\$180".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1780**—An act to amend Section 4.5 of and to add a new Section 6 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 4.5", and insert "Sections 2 and 4.5".

##### Amendment No. 2

On page 1 of the printed bill, before line 1, insert

"SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read:

Sec. 2. In addition, such governing bodies shall have jurisdiction and power to adopt and carry into effect a system of medical and or hospital service through nonprofit membership corporations defraying the cost of medical service or hospital care, or both, open to participation by all licentiates of the particular class (whether doctors of medicine, doctors of osteopathy, or doctors of chiropractic) offering services through such a nonprofit membership corporation, for the benefit of such of their employees as may elect to accept membership in such nonprofit corporation and who have authorized the governing bodies to make deductions from their compensation for the payment of membership dues. The jurisdiction and power conferred herein with respect to the rendition of medical and or hospital service through nonprofit membership corporations is coextensive with the jurisdiction and power heretofore conferred with respect to insurance companies. *'Nonprofit membership corporations' as used herein includes corporations operating in compliance with Section 593a of the Civil Code and corporations operating in compliance with Chapter 11A of Division 2, Part 2, of the Insurance Code.'*"

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "1", and insert "2".

**Amendment No. 4**

On page 1, line 14, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 88**—An act to amend Section 737dd of the Political Code, relating to the salaries of the judges of the superior court of Orange County.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 30**—An act to amend Section 737aa of the Political Code, relating to salaries of judges of the superior court.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 310**—An act to amend Section 4235 of the Political Code, relating to compensation for public service in counties of the sixth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1679**—An act to amend Section 737qq of the Political Code, relating to superior court judges' salaries in the County of Santa Clara.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 9**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-fourth class, and increasing the compensation of the judges thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 572**—An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to commissioners in municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 172**—An act to amend Section 44 of the County Employees' Retirement Act of 1937, relating to eligibility of county elected officials to join Retirement System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 327**—An act to amend Section 4 of the Housing Authorities Law, relating to housing authorities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1256**—An act to add Section 5.5 to an act entitled "An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately," approved May 15, 1943, relating to census of cities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 290**—An act to amend Section 4247 of the Political Code, relating to compensation for public service in counties of the eighteenth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1646**—An act to amend Section 8 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the powers and duties of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 439**—An act to amend Section 2 of the Planning Act, relating to city planning commissions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1063**—An act to amend Sections 3819 and 3929 of the Elections Code, relating to elections.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

##### Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "District," ", insert "or any other appropriate designation,".

##### Amendment No. 2

On page 1, line 18, of said bill, after "Legislature," ", insert "or any other appropriate designation,".

##### Amendment No. 3

On page 2, line 19, of said bill, after "District," ", insert "or any other appropriate designation,".

##### Amendment No. 4

On page 2, line 24, of said bill, after "Legislature," ", insert "or any other appropriate designation,".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 484**—An act to amend Sections 220, 330, 3823 and 3944 of the Elections Code, and to add Section 330.5 to said code, relating to elections and matters incidental thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1064**—An act to amend Section 3931 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1065**—An act to amend Section 7050 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2148**—An act to amend Sections 502 and 503 of the Elections Code, relating to precincts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 370**—An act to amend Section 4455 of the Labor Code, relating to average earnings.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor :

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 13, inclusive, and insert "4455. If the injured employee is under twenty-one years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of twenty-one years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of twenty-one years can not reasonably be determined, his average weekly earnings shall be taken as \$32.61."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1179**—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1079**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

Bill read third time, and presented by Senator Weybret.

The roll was called and the bill passed by the following vote :

**AYES.**—Senators Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Gordon, Judah, Keating, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—21.

**NOES.**—None.

Bill ordered transmitted to the Assembly.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 9.55 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1077**—An act to add Section 19628 to the Business and Professions Code, relating to the availability and reversion of appropriations and allocations from the Fair and Exposition Fund.

Bill read third time, and presented by Senator Weybret.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1078**—An act to add Section 92.4 to the Agricultural Code, relating to agricultural fairs.

Bill read third time, and presented by Senator Weybret.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1080**—An act making an appropriation for the encouragement of agricultural fairs.

Bill read third time, and presented by Senator Weybret.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1081**—An act to add Section 92.5 to the Agricultural Code, relating to adjustment of apportionments to district and county fairs from the Fair and Exposition Fund.

Bill read third time, and presented by Senator Weybret.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 10.05 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 1503**—An act to amend Section 756 of the Revenue and Taxation Code, relating to assessment rolls of State assessed property.

Bill read third time, and presented by Senator Rich.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1508**—An act to amend Sections 11271, 11315, 11336, 11572, 11576, 11577 and 11652 of the Revenue and Taxation Code, relating to reports, assessments, suits for refund, and records with respect to the tax imposed by the Private Car Tax Law.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1509**—An act to amend Sections 7305, 7353, 7401, 7407, 7660, 7699, 7700, 7714, and 8126, to repeal Section 8191, to amend and renumber Section 8192, and to renumber Sections 8193 and 8194 of the Revenue and Taxation Code, relating to the definition of the term "distribution," exemptions from the motor vehicle fuel license tax and determinations and refunds of the tax, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Kuchel, Mayo, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 693**—An act to add Section 3013.5 to the Insurance Code, relating to the powers of fire or marine insurers incorporated under the laws of this State in any State, Territory or country in which they may be admitted to do business.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1041**—An act to amend Section 24 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to written reports of the commissioner and penalty for failure to file as required.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1042**—An act to amend Section 18 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to approval of loan applications by credit committee.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1043**—An act to add Sections 23.2, 23.3, 23.4 and 23.5 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to voluntary and involuntary dissolution and merger.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 174**—An act to amend Section 3 of an act entitled "An act to carry into effect the provisions of Section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof," approved July 15, 1935, as amended, relating to pledges.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Gordon, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1207**—An act to amend Sections 6500, 7302 and 7310 of the Welfare and Institutions Code, relating to State institutions, designating the Langley Porter Clinic as a State hospital, and providing for its operation and government and the powers of the secretary to the superintendent thereof.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 36**—An act to amend Section 1645.5 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 385**—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1158**—An act to amend Section 15a of and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1249**—An act to amend Section 9609 of the Education Code, relating to special schools or classes for physically handicapped pupils.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 367**—An act to amend Section 1161 of the Civil Code, relating to prerequisites to recordation, and Section 2952 of the Civil Code, relating to mortgages of real property, and providing for the recording of fictitious mortgages and deeds of trust and the inclusion of the provisions thereof in other mortgages and deeds of trust by reference, and constructive notice of such mortgages and deeds of trust by the recording thereof.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1435**—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of San Diego, and providing for the appointment of an additional judge and for his compensation.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1992**—An act to add Section Chapter 12 to Division 9 of, the Education Code, relating to the establishment and maintenance of school farms.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

#### Motion to Amend Title

Senator Cunningham moved the adoption of the following amendment:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section".

Bill ordered reprinted and transmitted to the Assembly.

**Assembly Bill No. 695**—An act to add 1503.1 and 1503.2 to the Education Code, relating to the interdistrict attendance of pupils.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 968**—An act to amend Sections 5961 and 5963 of the Education Code, relating to the accumulation and expenditure of special accumulative building funds by school districts.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 286**—An act to amend Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

Bill read third time, and presented by Senator Mixer.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 630**—An act to amend Sections 6500 and 6512 of the Business and Professions Code, relating to the appointment and compensation of members of the State Board of Barber Examiners.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President of the Senate Presiding

At 11.20 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 631**—An act to amend Section 6630 of the Business and Professions Code, relating to fees for registered barbers and apprentices.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1897**—An act to add Section 7071.3 to the Business and Professions Code, relating to the licensing of contractors, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Fletcher.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 820**—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 821**—An act to add Section 10202.7 to, and to amend Section 10270.5 of, the Insurance Code, relating to group life and disability insurance.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenny, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 822**—An act to add Section 10203.4 to, and to amend Section 10209 of, the Insurance Code, relating to group life insurance.

Bill read third time, and presented by Senator Desmond.



The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 823**—An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

Bill read third time, and presented by Senator Desmond.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 824**—An act to amend Section 10203 of the Insurance Code, relating to group life insurance.

Bill read third time, and presented by Senator Desmond.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 900**—An act to amend Sections 205, 206, 208 and 225 of the Vehicle Code, relating to special plates.

Bill read third time, and presented by Senator Quinn.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 608**—An act to amend Sections 1101, 1101.1, 1102, 1103, 1103.1, 1104.1, 1105.3, 1106.2, and 1107 of, and to renumber Sections 1105.4, 1103.4, 1105.5, 1105.6, 1105.7, 1105.8 and 1105.9 of, to be Sections 1103.2, 1103.5, 1105.4, 1105.5, 1105.6, 1105.7 and 1105.8 of, and to amend and renumber Sections 1102.2, 1102.1, 1103.2 and 1103.3 of, to be Sections 1102.1, 1102.2, 1103.3 and 1103.4 of, and to add Sections 1102.3, 1102.4, 1103.05 and 1108.1 to, and to repeal Section 1105.4 of, the Agricultural Code, relating to eggs.

Bill read third time, and presented by Senator Crittenden.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 11.57 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 873**—An act to add Section 11740.3 to the Insurance Code, relating to Workmen's Compensation Insurance.

**Motion to Refer Bill to Inactive File**

Senator Desmond moved that Senate Bill No. 873 be placed on the inactive file.

Motion carried.

**RECESS**

At 12 p.m., on motion of Senator Seawell, the Senate recessed until 1.30 p.m.

**REASSEMBLED**

At 1.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the Desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 1.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1363**—An act to amend Sections 5015 and 5157 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Rich, Seawell, Sutton, Tenney, and Weybret—22.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1283**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1017**—An act to amend Section 123, of Chapter 1, Part 1, Division 1, and Section 4104, of Chapter 1, Part 7, Division 1, of the Revenue and Taxation Code, relating to amounts payable on redemption of delinquent real estate taxes.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1018**—An act to amend Section 3695 of the Revenue and Taxation Code, relating to real property taxation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1019**—An act to amend Sections 4152 and 4155 of Chapter 2, Part 7, Division 1, of the Revenue and Taxation Code, relating to redemption of a portion of a parcel of tax sold real estate.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 30**—Relative to memorializing Congress to provide educational opportunities for war widows.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1694**—An act to amend Section 5 of the Industrial Loan Act, relating to industrial loan companies and the outstanding investment certificates of such companies.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2000**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 251**—An act adding Sections 4.6, 4.7, 8.7, 8.8, 8.9, 12.2, 12.3, 12.4, 17 and 18 to, and amending Sections 4, 4.5, 11, 11.5, 12, and 14 of, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1848**—An act to amend Section 970 of the Streets and Highways Code, relating to the naming of county highways.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 383**—An act to amend Section 13½ of the Los Angeles County Flood Control Act, relating to storm drain improvements and drainage systems.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 669**—An act to amend Section 4157.5 of the Political Code, relating to furnishing emergency ambulance service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 670**—An act to amend Section 3720 of the Political Code, relating to statements filed with the State Board of Equalization and with the assessors of the creation or change of boundaries of cities or districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 755**—An act to amend Section 124 of the State Civil Service Act and Section 19141 of the Government Code, relating to reinstatement of State employees having permanent civil service status.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1021**—An act to amend Sections 3695.4, 3696.5, 3700 and 3791 of the Revenue and Taxation Code, and to repeal Section 3695.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 402**—An act to amend Section 4903 of the Labor Code, relating to liens for burial expense.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 34**—Relative to memorializing the United States Department of Agriculture to reopen to the public the Los Padres National Forest.

Resolution read, and presented by Senator Weybret.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 885**—An act to amend Section 4840 of the Health and Safety Code, relating to joint operation agreements of county sanitation districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1343**—An act to repeal Section 4555 of the Labor Code and to add Sections 4555 and 4556, relating to attorneys' fees in workmen's compensation cases.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1115**—An act to amend Section 758 of the Political Code, relating to officers and employees of the District Courts of Appeal.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 905**—An act to renumber and amend Section 258.1 of, and to amend Sections 259.1 and 269.1 of, the Vehicle Code, relating to operators and chauffeurs of motor vehicles.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 650**—An act to amend Section 278 of the Vehicle Code, relating to operator's and chauffeur's licenses.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1266**—An act to amend Sections 622, 637, 639, 645, 650.6 and 655 of, and to add Section 657 to, the Vehicle Code, relating to lamps and other devices.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1268**—An act to amend Section 694 of, and to add Section 700.5 to, the Vehicle Code, relating to vehicles and highways, including size and width of vehicles and obstruction in and damages to highways and highway structures.

Bill read third time, and presented by Senator Judah.

The roll was called and the bill passed by the following vote:

AYES—Senator Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 901**—An act to amend Sections 231, 234 and 237 of the Vehicle Code, relating to motor vehicles.

Bill read third time, and presented by Senator Judah.

The roll was called and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1262**—An act to amend Sections 525, 531.5, 540, 551, 552 and 577 of the Vehicle Code, relating to rules of the road.

Bill read third time, and presented by Senator Judah.

The roll was called and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2145**—An act to add Section 5160 to the Public Resources Code, relating to the power of boards of supervisors to dedicate park property to highway purposes.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, following "for", insert "county".

Amendment read and adopted.

Bill ordered reprinted, and to third reading.

**Assembly Bill No. 1265**—An act to add Section 596.4 to, and to amend Section 599 of, the Vehicle Code, relating to motor vehicles.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1267**—An act to amend Section 676 of the Vehicle Code, relating to windshields and windows.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1378**—An act to amend Section 383 of the Vehicle Code, relating to the return of fees.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Joint Resolution No. 32**—Relative to the San Francisco Conference of the United Nations and the World Security Organization.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1557**—An act to amend Section 618 of the Fish and Game Code, relating to trout.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1454**—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, and 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1020**—An act to repeal Sections 3552.40 and 3728 and to add Sections 3728 and 3728.1 and to amend Section 3729 of the Revenue and Taxation Code, relating to suits involving the validity of tax deeds.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1408**—An act to amend Section 68 of the Bank Act, relating to deposits by saving banks in other banks.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 426**—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4 and 10972 of the Insurance Code, to repeal Section 10241 thereof, and to add Section 10498.6 to said code, all relating to insurance.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 795**—An act to add Article 8.5, comprising Section 11160, to Chapter 10 of Part 2 of Division 2 of the Insurance Code, relating to agents of fraternal benefit societies.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—22.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 796**—An act to amend Section 11116 of the Insurance Code, relating to fraternal benefit societies.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 917**—An act to amend Section 10240 of the Insurance Code, and to add Section 10242 thereto, relating to burial insurance.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1405**—An act to amend Section 83 of the Bank Act, relating to loans to officers, directors and employees of commercial banks.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1406**—An act to amend Section 65 of the Bank Act, relating to loans to officers, directors and employees of savings banks.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1407**—An act to add a new section to the Bank Act, to be numbered 136e, relating to the sale or compromise of bad or doubtful debts by the Superintendent of Banks when liquidating a bank.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1048**—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Mayo, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 182**—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to the blind.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 246**—An act to amend Sections 261, 261a and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "six thousand two hundred dollars (\$6,200)", and insert "six thousand dollars (\$6,000)".

Amendment read and adopted.

Bill ordered reprinted, and to third reading.

**Assembly Bill No. 1141**—An act to add Section 20894.5 to the Government Code, relating to the State Employees' Retirement System, and providing for contributions for persons in the military service.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out line 16, and insert "employer shall contribute for each member of this system".

**Amendment No. 2**

On page 2, line 33, of said bill, strike out "State", and insert "employer".

**Amendment No. 3**

On page 3, line 4, of said bill, after "credited with the", strike out "State" and insert "employer's".

**Amendment No. 4**

On page 3, line 10, of said bill, strike out "State", and insert "employer".

**Amendment No. 5**

On page 3 of said bill, between lines 27 and 28, insert

"This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section, by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1082**—An act to establish a system of unemployment disability insurance and to amend Sections 9.8, 40, 45, 45.5 and 45.11 and to add Section 52.3 and to repeal Sections 44, 44.2 and 101.9 of the



Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, line 23, of said bill, after "21.", insert "(a)".

**Amendment No. 2**

On page 4, lines 24 and 25, of said bill, strike out "after July 1, 1945, or after the date on which his employer", and insert "on and after the contribution date or after the date on which his employing unit".

**Amendment No. 3**

On page 4 of said bill, between lines 36 and 37, insert

"(b) 'Contribution date' means July 1, 1945; or in the event that any provision of law would be unconstitutional by the use of that date, it means October 1, 1945."

**Amendment No. 4**

On page 4, line 37, of said bill, before "Contributions", insert "(c)".

**Amendment No. 5**

On page 8, line 41, of said bill, strike out "Workman's Compensation Law", and insert "workmen's compensation law".

**Amendment No. 6**

On page 7 of said bill, between lines 10 and 11, insert

"Section 34.6. Except as provided in Section 32.5 of this act, the commission shall require in every case that the first claim for disability benefits during each uninterrupted period of disability be supported by the certificate of a physician as to the mental or physical condition of the claimant."

**Amendment No. 7**

On page 8, line 50, of said bill, strike out "or medical benefits or both".

**Amendment No. 8**

On page 12 of said bill, strike out lines 1 and 2, and insert

"Sec. 7. Section 44 of the Unemployment Insurance Act is repealed effective immediately prior to the contribution date as defined in Section 21 of the Unemployment Disability Insurance Act, except that the provisions of the Unemployment Insurance Act relating to the levy, assessment, re-assessment, collection, and refund of all contributions accrued by virtue of Section 44 of the Unemployment Insurance Act for periods prior to said repeal shall be applicable to such contributions after said repeal."

On and after the effective date of this act, all moneys collected which have accrued pursuant to Section 44 of the Unemployment Insurance Act together with interest thereon and fines and penalties collected in connection therewith, shall be deposited in the Unemployment Disability Insurance Fund."

**Amendment No. 9**

On page 2 of said bill, in lines 9 and 10, strike out "until one year after its effective date", and insert "prior to January 1, 1947".

**Amendment No. 10**

On page 3 of said bill, in lines 37 and 38, strike out "hereby continuously", and insert "to be".

**Amendment No. 11**

On page 3, line 50, of said bill, after the period, insert

"No money is appropriated or made expendable by this act. That is intended to be done by an act or acts subsequently to be enacted."

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

## MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Senate Bill No. 986 be taken from the inactive file for purpose of amendment, and placed on the second reading file.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 986**—An act to add a chapter heading and Sections 337h, 337i, 337j, 337k and 337l to the Penal Code, relating to horse racing and touting thereat.

Bill read second time.

## Motion to Amend

Senator Desmond moved the adoption of the following amendments:

## Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "a chapter heading and Sections 337h, 337i, 337j, 337k and 337l to" and insert "Chapter 10.5 to Title 9 of Part 1 of".

## Amendment No. 2

In line 3 of the title of said bill, strike out "thereat".

## Amendment No. 3

On page 1 of said bill, strike out lines 1 to 26, inclusive; and strike out all of pages 2 and 3 of said bill, and insert

"SECTION 1. Chapter 10.5 is added to Title 9 of Part 1 of the Penal Code to read:

## Chapter 10.5. Horse Racing

337.1. Any person, who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse in a race to be run in this State or elsewhere, and upon which money is wagered in this State, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting.

337.2. Any person who is a tout, or who attempts or conspires to commit touting, is guilty of a misdemeanor and is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. For a second offense in this State, he shall be imprisoned.

337.3. Any person who in the commission of touting falsely uses the name of any official of the California Horse Racing Board, its inspectors or attaches, or of any official of any race track association, or the names of any owner, trainer, jockey or other person licensed by the California Horse Racing Board as the source of any information or purported information is guilty of a felony and is punishable by a fine of not more than five thousand dollars (\$5,000) or by imprisonment in the State prison for a term of not less than one nor more than five years, or by both such fine and imprisonment.

337.4. Any person who in the commission of touting obtains money in excess of two hundred dollars (\$200) may, in addition to being prosecuted for the violation of any provision of this chapter, be prosecuted for the violation of Section 487 of this code.

337.5. Any person who has been convicted of touting, and the record of whose conviction on such charge is on file in the Office of the California Horse Racing Board or in the criminal record bureau of the State or of the Federal Bureau of Investigation, or any person who has been ejected from any race track of this or any other State for touting or practices inimical to the public interest shall be excluded from all race tracks in this State. Any such person who refuses to leave such track when ordered to do so by inspectors of the California Horse Racing Board, or by any peace officer, or by an accredited attache of a race track or association is guilty of a misdemeanor.

337.6. Any credential or license issued by the California Horse Racing Board to licensees, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a race track, shall be automatically revoked whether so used on or off a race track.

337.7. Any person other than the lawful holder thereof who has in his possession any credential or license issued by the California Horse Racing Board to licensees and any person who has a forged or simulated credential or license of said board in his possession, and who uses such credential or license for the purpose of misrepresentation, fraud or touting is guilty of a felony and shall be punished by a fine of five thousand dollars (\$5,000) or by imprisonment in the State prison for not less

than one year nor more than five years, or by both such fine and imprisonment. If he has previously been convicted of any offense under this chapter, he shall be imprisoned.

337.8. Any person who uses any credential, other than a credential or license issued by the California Horse Racing Board, for the purpose of touting is guilty of touting, and if the credential has been forged shall be imprisoned as provided in this chapter, whether the offense was committed on or off a race track.

337.9. The Secretary and Chief Investigator of the California Horse Racing Board shall coordinate a policy for the enforcement of this chapter with all other enforcement bureaus in the State in order to insure prosecution of all persons who commit any offense against the horse racing laws of this State. For such purposes the Secretary and Chief Investigator are peace officers and have all the powers thereof."

Amendments read and adopted.

Bill ordered printed, and to second reading.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Senate Bill No. 19 be taken from the inactive file for the purpose of amendment and placed on the second reading file.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 19**—An act making a transfer of money from the General Fund to the postwar employment reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by the Regents of The University of California for the purpose of establishing and maintaining in The University of California instruction in the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Bill read second time.

#### Motion to Amend

Senator Desmond moved the adoption of the following amendments:

#### Amendment No. 1

In line 9 of the title of the printed bill, strike out "and"; and strike out lines 10 to 21, inclusive, of the title and insert a period.

#### Amendment No. 2

On page 2 of said bill, in line 12, strike out "to the Regents of the University of"; and strike out lines 13 to 19, inclusive, and insert a period.

Amendments read and adopted.

Bill ordered printed, and to second reading.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Senate Bill No. 39 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1175

Senator Desmond moved that Senate Bill No. 1175 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1175**—An act to amend Sections 11b, 11c and 22 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read second time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out “, 11c”.

**Amendment No. 2**

On page 1, line 12, of said bill, strike out “two hundred sixty-five dollars (\$265)”, and insert “two hundred eighty-five dollars (\$285)”.

**Amendment No. 3**

On page 1, lines 14 and 15, of said bill, strike out “two hundred fifty-five dollars (\$255)”, and insert “two hundred seventy-five dollars (\$275)”.

**Amendment No. 4**

On page 1, lines 16 and 17, of said bill, strike out “one hundred ninety-eight dollars and seventy-five cents (\$198.75)”, and insert “two hundred eighteen dollars and seventy-five cents (\$218.75)”.

**Amendment No. 5**

On page 1, lines 18 and 19, of said bill, strike out “one hundred ninety-five dollars (\$195)”, and insert “two hundred fifteen dollars (\$215)”.

**Amendment No. 6**

On page 1, line 20, of said bill, strike out “one hundred eighty dollars (\$180)”, and insert “two hundred dollars (\$200)”.

**Amendment No. 7**

On page 1, lines 21 and 22, of said bill, strike out “one hundred sixty dollars (\$160)”, and insert “one hundred eighty dollars (\$180)”.

**Amendment No. 8**

On page 1, lines 23 and 24, of said bill, strike out “one hundred sixty dollars (\$160)”, and insert “one hundred eighty dollars (\$180)”.

**Amendment No. 9**

On page 1, line 26, of said bill, strike out “one hundred sixty dollars (\$160)”, and insert “one hundred eighty dollars (\$180)”.

**Amendment No. 10**

On page 1, line 27, of said bill, strike out “one hundred forty dollars (\$140)”, and insert “one hundred sixty dollars (\$160)”.

**Amendment No. 11**

On page 2, lines 2 and 3, of said bill, strike out “two hundred forty dollars (\$240)”, and insert “two hundred eighty-five dollars (\$285)”.

**Amendment No. 12**

On page 2, lines 5 and 6, of said bill, strike out “two hundred fifteen dollars (\$215)”, and insert “two hundred thirty-five dollars (\$235)”.

**Amendment No. 13**

On page 2, line 8, of said bill, strike out “one hundred ninety dollars (\$190)”, and insert “two hundred ten dollars (\$210)”.

**Amendment No. 14**

On page 2 of said bill, strike out line 12, and insert “hundred eighty dollars (\$180) per month.”.

**Amendment No. 15**

On page 2 of said bill, strike out lines 13 to 52, inclusive; and on page 3, strike out lines 1 to 46, inclusive.

**Amendment No. 16**

On page 3, line 47, of said bill, strike out “SEC. 3.”, and insert “SEC. 2.”.

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Local Government.



## RESOLUTIONS

The following resolution was offered by Senator Powers:

## Senate Resolution No. 108

*Resolved*, That the following named person be stricken from the list of Senate Attaches, and that his name be stricken from the pay roll of the Senate, to take effect on completion of work May 12, 1945.

Richard Adams, Page----- *Per day* \$3 00

Resolution read, and on motion of Senator Powers, adopted.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 4.15 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## REPORTS OF STANDING COMMITTEES

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 291

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 838

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1281

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 604

Senate Bill No. 1208

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 227

Senate Bill No. 1277

And reports the same correctly engrossed.

SEAWELL, Chairman

**ADJOURNMENT**

At 4.15 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, May 14, 1945.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

SIXTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 14, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—39.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Tenney, on motion of Senator Seawell, account of illness.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Westbrook and Donald W. Hancock of Riverside.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ray C. Ellis of Placerville.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. Phillip Davis and Miss Barbara Davis, wife and daughter of Assemblyman Davis, of Los Angeles; and Miss Sybil Kirby of Connecticut.

## REPORTS OF STANDING COMMITTEES

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1369	Assembly Bill No. 1600
Assembly Bill No. 1583	Assembly Bill No. 1601
Assembly Bill No. 1584	Assembly Bill No. 1602
Assembly Bill No. 1585	Assembly Bill No. 1603
Assembly Bill No. 1590	Assembly Bill No. 1843
Assembly Bill No. 1593	Assembly Bill No. 2016

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 156  
Senate Bill No. 617

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 675

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1034	Assembly Bill No. 1589
Assembly Bill No. 1586	Assembly Bill No. 1591
Assembly Bill No. 1587	Assembly Bill No. 1592

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

## MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, May 7, 1945; Tuesday, May 8, 1945; Wednesday, May 9, 1945; Thursday, May 10, 1945; Friday, May 11, 1945; Saturday, May 12, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

## MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Sutton moved that Senate Bill No. 615 be taken from the inactive file and placed on the second reading file.

Motion carried.



**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 986**—An act to add a chapter heading and Sections 337h, 337i, 337j, 337k and 337l to the Penal Code, relating to horse racing and touting thereat.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 19**—An act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by The Regents of the University of California for the purpose of establishing and maintaining in the University of California instruction in the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 39**—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Bill read second time, ordered engrossed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 838**—An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Slater, Sutton, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1277**—An act to add Section 70.5 to the Public Utilities Act, relating to the valuation of water systems of water corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Call of the Senate

Senator Gordon moved a call of the Senate.

Motion carried.

Time, 1.55 p.m.

The president directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1281**—An act to add Section 959.5 to the Streets and Highways Code, relating to the abandonment of county highways, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—30.

NOES—None.

#### Motion to Reconsider

Senator Mayo moved to reconsider the vote whereby Senate Bill No. 1281 was passed.

#### Postponement of Reconsideration

On motion of Senator Mayo, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1281 was passed, was continued until the next legislative day.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 899**—An act to amend Sections 130 and 140 of, and to add Sections 146.1 and 146.2 to, the Vehicle Code, relating to the registration and records of the department.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 683**—An act to amend Section 820 of the Streets and Highways Code, relating to assent to the provisions of the Federal Highway Act.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 762**—An act to add Section 29a to the Bank Act, providing for actions to determine claims to membership in banking corporations having no capital stock, or to any right or interest in their property or assets.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 947**—An act to amend Section 274 of the Code of Civil Procedure, relating to the compensation of phonographic reporters.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—32.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 921**—An act to amend Section 1944.1 of the Labor Code, relating to the employment of certain aliens.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1341**—An act to amend Section 124 of the Labor Code, relating to salaries, payment, and expenses of Industrial Accident Commission.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1501**—An act to amend Sections 6459, 6812, and 6902 of the Revenue and Taxation Code, and to add Section 6488 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 349**—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator DeLap.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—37.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1319**—An act to amend Sections 1326 and 1351 of, and to add Section 1350.5 to, the Insurance Code, relating to reciprocal insurers.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1486**—An act to amend the Building and Loan Association Act, by amending Section 1.01 thereof, relating to definitions, Section 2.08 thereof, relating to qualifications of directors, Section 8.01 thereof, relating to voting rights, Section 10.03 thereof, relating to apportionment of profits of associations, Section 12.10 thereof, relating to forms, and by adding thereto a new section to be numbered 12.08, relating to membership of borrowers.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 183**—An act to amend Section 3401.5 of the Welfare and Institutions Code, relating to aid to the blind.

Bill read third time, and presented by Senator Gordon.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 194**—An act to amend Section 3002 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read third time, and presented by Senator Gordon.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1095**—An act to amend Sections 7051, 7052, 7053, 7054 and 7055 of, and to add Section 7056 to, the Public Resources Code, and to amend the chapter heading of Chapter 5 of Part 2 of Division 6 of said code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Bill read third time, and presented by Senator Ward.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jepsen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 407**—An act to amend Section 513 of the Code of Civil Procedure, relating to claim and delivery of personal property.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jepsen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Sutton, Swing, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 296**—An act to amend Section 771 of the Probate Code, relating to the sale of personal property.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jepsen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 850**—An act to add Section 4011.5 to the Penal Code, relating to emergency removal of prisoners to hospitals from jails.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jepsen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1717**—An act to add Section 2189.5 to the Revenue and Taxation Code, relating to tax on personalty as lien on gas and oil leasehold estate.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.05 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 24**—An act to amend Section 446 of the Code of Civil Procedure, relating to the verification of pleadings.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 157**—An act to amend Section 4321 of the Political Code, relating to inventories.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Parkman, Powers, Seawell, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—Senators Judah, and Kuchel—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 217**—An act to amend Sections 1730 and 1771 of the Code of Civil Procedure, relating to children's courts of conciliation.

**Motion to Re-refer Assembly Bill No. 217**

Senator DeLap moved that Assembly Bill No. 217 be re-referred to Committee on Judiciary.

Motion carried.

**Assembly Bill No. 68**—An act to amend Sections 1 and 2, and to amend and renumber Section 3 of, to repeal Section 1a of, and to add new Sections 3, 4, and 5 to, an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices

and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read third time, and presented by Senator Gordon.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 942**—An act to amend Section 788 of the Probate Code, relating to the sale of real property in probate.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Seawell, Slater, Sutton, Swing, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1177**—An act to amend Section 754.5 of the Probate Code, relating to the sale of personal and real property as a unit.

Bill read third time.

#### Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 6, of the printed bill, strike out "for not less than 90", and insert "except that no private sale of such personal property and of such real estate as a unit may be made for less than 90 per cent of the sum of the appraised value of such personal property and the appraised value of such real estate, appraised separately. Any such sale shall otherwise be made in the manner provided for the sale of real estate, the bid and sale to be subject to the limitations and restrictions established for the sale of real estate."

#### Amendment No. 2

On page 1 of said bill, strike out lines 7 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 26**—An act to amend Section 5006 of the Education Code, relating to fidelity bonds of employees of school districts.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 677

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

## Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

## Amendment No. 1

On page 9, line 14, of the printed bill, as amended, after "session," insert "except as hereinafter provided,".

## Amendment No. 2

On page 9, line 15, of the printed bill, as amended, after "(\$204,000)", insert "or such other project as shall be finally decided upon which will accomplish the same flood control purposes as provided by the proposed Farmington Dam across Littlejohn Creek, or any other dam across Littlejohn Creek in the general vicinity,".

## Amendment No. 3

On page 9, line 16, of the printed bill, as amended, after the period insert "It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control on Littlejohn Creek without building a dam across Littlejohn Creek at the Farmington site and thereby preventing the flooding of valuable agricultural land in the general area of Farmington, such alternate plan should be adopted."

Amendments read and adopted.

## Further Amendments to Senate Bill No. 677

## Motion to Amend

Senator Carter moved the adoption of the following amendments:

## Amendment No. 1

On page 8, line 41, of the printed bill, as amended, after "session," insert "except as hereinafter provided,".

## Amendment No. 2

On page 8, line 43, of the printed bill, as amended, after "(\$3,326,000)", insert "or such other project as shall finally be decided upon which will accomplish the same flood control purposes as proposed by the Table Mountain Dam or any other dam across the Sacramento River in the same general vicinity,".

**Amendment No. 3**

On page 8, line 44, of the printed bill, as amended, after the period, insert "It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control in the upper Sacramento Valley without the necessity of constructing a dam across the Sacramento River at the Table Mountain site, or any other site in the same general vicinity and thereby prevent the necessity of flooding valuable agricultural land and at the same time prevent damage to the fishing resources of the Sacramento River, such alternate plan should be adopted."

Amendments read and adopted.

**Further Amendments to Senate Bill No. 677****Motion to Amend**

Senators Mayo, Dillinger, Carter, Collier, and Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 7 of the printed bill, as amended, between lines 44 and 45, insert

"SEC. 25. Of the water made available by the construction of the works of any project approved by this act beneficial use of at least 15 per cent thereof shall forever be subject to appropriation for use above such works in the manner provided by law. No use of water below such works, for whatsoever period of time, shall ever ripen into any title, interest or right against such beneficial use, present or prospective, above such works. Every permit and every license hereafter issued for the appropriation of water for use below such works shall be subject to all of the provisions of this section, whether expressly set forth therein or not.

Notwithstanding any other provision of this act, the approval of any project by this act shall be subject to the limitations set forth in this section."

Amendment read.

Further consideration continued to the next legislative day on motion of Senator Mayo.

**Further Amendments to Senate Bill No. 677****Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, line 17, of the printed bill, as amended, after "agency," insert "including the Fish and Game Commission,".

**Amendment No. 2**

On page 4, line 23, of said bill, between "hearing", and the period, insert "including an evaluation of loss and damage to fish and other natural resources. In determining the cost of any project damage to fish and wild life that will probably result therefrom must be included in the amount of the cost".

Amendments read and adopted.

**Motion to Hold Senate Bill No. 677 from Print**

Senator Mayo moved that Senate Bill No. 677 and all the amendments adopted thereto, be withheld from print, and the amendments that were offered by Senators Mayo, Dillinger, Carter, Collier and Seawell, be printed in the Journal, and further consideration continued to the next legislative day.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 602**—An act to amend Section 1597 of the Education Code and to add Section 1597.1 to said code, relating to the liability of school districts to taxation for bonded indebtedness.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 54**—An act to amend Section 1 of the Annexation of Uninhabited Territory Act of 1939, relating to the alteration of boundaries of municipalities.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1610**—An act to add Section 1001 to the Business and Professions Code, relating to chiropractors.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 53**—An act to add Section 1c to the Annexation Act of 1913, relating to annexation of subdivisions.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1493**—An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 607**—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State counties, cities and counties, and cities, and providing for their operation by licensed blind persons.

Bill read third time, and presented by Senator Brown.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 555**—An act to amend Section 498.5 of the Agricultural Code, relating to examination of applicants.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented :  
By Senator Judah :

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to add Section 751.1 to the Code of Civil Procedure, relating to actions to quiet title to real property.

Respectfully submitted.

SENATOR JUDAH

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—30.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time :

**Senate Bill No. 1284**: By Senator Judah—An act to add Section 751.1 to the Code of Civil Procedure, relating to actions to quiet title to real property.

Referred to Committee on Judiciary.



**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented :  
By Senator Deuel :

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act authorizing the State Park Commission to transfer certain lands to the County of Butte.

Respectfully submitted.

SENATOR DEUEL

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Natural Resources.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time :

**Senate Bill No. 1285:** By Senator Deuel—An act authorizing the State Park Commission to transfer certain lands to the County of Butte.  
Referred to Committee on Natural Resources.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented :  
By Senator DeLap :

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to add Section 4 to the Probate Code, relating to publications required by said code.

Respectfully submitted.

SENATOR DELAP

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 1286:** By Senator DeLap—An act to add Section 4 to the Probate Code, relating to publications required by said code.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 21:** By Senators Mayo and Seawell—Relative to memorializing Congress to support H.R. 2867 and S.R. 868, authorizing annual payments to States, for the benefit of their local political subdivisions, based on the fair value of the National-forest lands situated therein.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 50:** By Senator Mayo—Relative to the timing and correlation of public works and public services projects with private employment, and requesting the State Reconstruction and Reemployment Commission to engage upon a continuing study of such subject and to furnish to public agencies information and advice in respect thereto.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 9**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-fourth class, and increasing the compensation of the judges thereof.

Motion to Re-refer Assembly Bill No. 9

Senator Fletcher moved that Assembly Bill No. 9 be re-referred to Committee on Local Government.

Motion carried.

**Assembly Bill No. 1519**—An act to add Sections 3209.3 and 3209.5 to, the Labor Code, relating to workmen's compensation and insurance.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "and 3209.5", and insert "3209.5 and 3209.6".

Amendment No. 2

On page 2, after line 27, of said bill, insert

"SEC. 3. Section 3209.6 is added to said code, to read:

3209.6. The inclusion of chiropractors in Sections 3209.3 and 3209.5 does not imply any right or entitle any chiropractor to represent, advertise, or hold himself out as a physician."

Amendments read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 91 be taken from the inactive file and placed on the second reading file.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 478

Assembly Bill No. 313

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1099

Assembly Bill No. 1364

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1099**—An act to add Section 7d to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to phonographic reporters in municipal courts in cities of the one and one-half class, and providing for the compensation and retirement of such reporters.

Referred to Committee on Local Government.

**Assembly Bill No. 1364**—An act to amend Section 40 of the Fish and Game Code, relating to county game wardens.

Referred to Committee on Fish and Game.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day reconsidered the vote whereby the report of the Committee on Conference concerning Senate Bill No. 1201 was, on May 9, 1945, adopted.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Conference concerning amendments to

**Senate Bill No. 1201**—An act to add Section 6901 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom;

And appointed Messrs. Sherwin, Beck, and Clarke as a Second Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ADJOURNMENT

At 5.08 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 15, 1945.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 15, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by Rev. Robert S. Romeis of the St. John's Lutheran Church.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. E. L. Brown of Roseville.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Erwin Blum of Houston, Texas.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth Hughes of North Hollywood, Mrs. S. S. Stowell and Miss Anna L. Phillips of Los Angeles, and Mrs. Gordon L. Long of Sacramento.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Robert Romeis of Sacramento.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. E. Overlie of Ione.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator R. H. Nash, Senator George McLeak, and Senator J. R. Willoughby, all of The Senate Federal Parliament; the Honorable R. T. Pollard and the Honorable J. R. Walsh, Members of the Commonwealth Parliament, all of Canberra, Australia.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Corporal Charles Niehouse, decorated with two Presidential Citations and seven Stars, European theatre; and to Mrs. Niehouse, of San Diego.

### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, May 14, 1945

*To the Honorable Members of the Senate,  
State of California  
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 691, entitled: "An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property."

My objections to this bill are as follows:

This bill purports to provide a procedure whereby delinquent taxes on real property belonging to the Veterans' Welfare Board may be cancelled. In the first place, this bill is legally insufficient to accomplish its apparent purpose. I am advised by the Attorney General that the bill contains ambiguities which destroy its effectiveness in providing a means to secure automatic cancellation of such delinquent taxes. Furthermore, the State Lands Commission has advised me that the bill is unworkable as it affects that agency.

In the second place, this bill is unnecessary, as adequate provision is already found in the law to permit cancellation of such taxes. Section 4986 of the Revenue and Taxation Code provides an adequate method for the accomplishment of this purpose. Furthermore, I have signed Senate Bill No. 672 which further strengthens and clarifies the existing procedure whereby the Veterans' Welfare Board may secure cancellation of delinquent taxes on land owned by it.

My objections to this bill have been discussed with the authors, and I am assured they have no serious opposition to a veto of this bill.

Respectfully submitted.

EARL WARREN, Governor

Message read.

**Senate Bill No. 691**—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer of the Veterans' Welfare Board and tax-deeded property.

### CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 691 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Brown, Collier, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuebel, Mayo, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—23.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 188

Senate Bill No. 231

Senate Bill No. 229

Senate Bill No. 291

Senate Bill No. 230

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1082

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 19

Senate Bill No. 39

Senate Bill No. 986

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 132**—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of May, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 46**—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 3 (Res. Ch. 20, 1945);

**Senate Concurrent Resolution No. 49**—Relative to entertainment and dinner for members of the Legislature on May 8, 1945;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the eleventh day of May, 1945, at 5 p.m.

SEAWELL, Chairman

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 1186

Senate Bill No. 1280

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 1171

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:  
Senate Bill No. 1265

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:  
Assembly Bill No. 2045

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Concurrent Resolution No. 51:** By Senator Hatfield—Relative to a fact-finding committee on agriculture and livestock problems.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 52:** By Senator Seawell—Relative to the diversion of water from Donner Lake.

Referred to Committee on Water Resources.

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 156**—An act to add a new section to the Agricultural Code, relating to milk and cream.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 617**—An act to add Sections 601.5 and 607 to the Agricultural Code, relating to imitation ice cream and imitation ice milk.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 675**—An act to add Section 634.5 to the Agricultural Code, relating to the processing of cream.

Bill read second time.

##### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 5, of the printed bill, strike out "145", and insert "165".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 615**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read second time.

**Motion to Amend**

Senator Sutton moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 7 of", and insert "add Section 7.3 to".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "7", and insert "7.3".

**Amendment No. 3**

On page 1, line 2, of the printed bill, strike out "amended", and insert "added".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 3 and 4, and insert "SEC. 7.3. The term "agricultural labor", as used in Section 7,".

**Amendment No. 5**

On page 2 of the printed bill, strike out lines 17 to 52, inclusive.

**Amendment No. 6**

Strike out all of pages 3 to 5, inclusive, of the printed bill.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1369**—An act to amend Section 120 of the Agricultural Code, relating to nursery licensees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1583**—An act to amend Section 380.54 of the Agricultural Code, relating to horse, mule and burro slaughter and penalties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1584**—An act to add Section 380.66 to the Agricultural Code, relating to estray and sale of estray horses, mules and burros.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1585**—An act to amend Section 372.5 of the Agricultural Code, relating to stock killed or injured on railroad right of way.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1590**—An act to amend Section 415 of the Agricultural Code, exempting bovine animals, horses, mules and burros.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1593**—An act to amend Section 392 of the Agricultural Code, relating to estray procedure.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1600**—An act to amend Section 380.59 of the Agricultural Code, relating to horse, mule and burro hides.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1601**—An act to amend Section 380.57 of the Agricultural Code, relating to horse, mule and burro slaughter reports.  
Bill read second time, and ordered to third reading.

**Assembly Bill No. 1602**—An act to amend Section 402 of the Agricultural Code, requiring animals to be examined for brands prior to being offered for sale.  
Bill read second time, and ordered to third reading.

**Assembly Bill No. 1603**—An act to amend Section 380.55 of the Agricultural Code, relating to inspection of horses, mules and burros.  
Bill read second time, and ordered to third reading.

**Assembly Bill No. 1843**—An act to amend Sections 89.5 and 89.6 of the Agricultural Code, relating to the power and duties of district agricultural associations, and the use of county fair property.  
Bill read second time, and ordered to third reading.

**Assembly Bill No. 2016**—An act to repeal Division 7 of the Agricultural Code, relating to acts repealed by said code.  
Bill read second time, and ordered to third reading.

**Assembly Bill No. 1034**—An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.  
Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 9, line 22, of the printed bill, as amended, following the period, insert *"Upon the recommendation of the board, the director may appoint one person who is neither a producer nor a handler to represent the Department of Agriculture or the public generally."*

##### Amendment No. 2

On page 13 of the printed bill, as amended, between lines 18 and 19, insert *"In any research in production or processing carried on hereunder, the Dean of the College of Agriculture of the University of California and the Advisory Board provided for in Section 1300.15 hereof shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the Advisory Board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the Advisory Board."*

##### Amendment No. 3

On page 18, line 41, of the printed bill, as amended, after the period, insert *"All such expenditures by the director shall be audited at least annually by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1586**—An act to amend Section 380.61 of the Agricultural Code, relating to horse transportation penalty.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1 of the printed bill, between lines 23 and 24, insert "Nothing in this section shall be deemed to apply to a farmer operating his own truck so as to prevent him from transporting his own livestock or the livestock of his neighbors."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1587**—An act to amend Section 380.60 of the Agricultural Code, relating to horse bill of sale.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

In the title of the printed bill, strike out line 2 and insert "ing to sales and gifts of animals and the carcasses, skins, or hides thereof."

**Amendment No. 2**

On page 1, line 10, of said bill, strike out "and two subscrib-"; and strike out lines 11 to 14, inclusive; and in line 15, strike out "of sale or gift".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1589**—An act to amend Section 400 of the Agricultural Code, relating to bovine animals, horses, mules and burros.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 7, of the printed bill, following "that", strike out the balance of the line; and strike out lines 8 to 10, inclusive, and insert "if no person appears and claims impounded bovine animals, horses, mules or burros within the period specified by said laws or regulations, the pound keeper or other pound officer shall so notify the Director of Agriculture and upon receipt of such notice the director shall forthwith take possession of said animals and shall dispose of said bovine animals in accordance with the provisions of Section 369 of the Agricultural Code, and shall dispose of horses, mules and burros in accordance with the provisions of Section 380.66 of the Agricultural Code."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1592**—An act to amend Section 3341 of the Civil Code, relating to animals.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after "shall", insert "on the premises of any person other than the owner, possessor, or harbinger of such dog or other animal."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1591**—An act to amend Section 369 of the Agricultural Code, relating to estray and sale of estray bovine animals.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "estrays and sale of estrays".

**Amendment No. 2**

On page 1, line 3, of the printed bill, strike out "bovine", and insert "bovine".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 91**—An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Bill read second time, and ordered to third reading.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 1281**—An act to add Section 959.5 to the Streets and Highways Code, relating to the abandonment of county highways, declaring the urgency of this act, to take effect immediately.

**MOTION TO RECONSIDER SENATE BILL NO. 1281**

Pursuant to his motion previously made, Senator Mayo moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1281 was passed.

The roll was called, and Senate Bill No. 1281 reconsidered by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

**NOES**—Senators Dillinger, Gordon, Quinn, and Rich—4.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1281**

The question being on final passage of Senate Bill No. 1281.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Dillinger, Gordon, Parkman, Quinn, Rich, and Swing—6.

**NOES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.



## President of the Senate Presiding

At 2.16 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, May 15, 1945

To the Honorable Members of the Senate, State of California  
Sacramento, California

GREETINGS: I am returning herewith, without my approval, Senate Bill No. 407, entitled: "An act to add Section 1225 to the Government Code, relating to public office and employment", first, because in my opinion it violates the spirit, if not the letter, of the Constitutions of the United States and of the State of California; and second, because it would accomplish no public purpose. To many people a casual reading of the bill would not disclose these defects, and I will therefore give my reasons for vetoing it somewhat in detail.

The bill as originally introduced provided that all conscientious objectors who claim and are granted exemption from military service during World War No. 2 are ineligible thereafter to any State or local office or employment. The constitutionality of the bill was questioned and the Legislative Counsel, by his opinion which appears in the Senate Journal of April 23, 1945, confirmed the objection. The bill was then amended in the Assembly in order to accomplish the same purpose and at the same time avoid the constitutional objection. As finally adopted, it provides that every candidate for public office, every appointee to public office, and every applicant for employment by the State or any political subdivision, municipal corporation or public district or corporation shall be required to answer in writing and file his answer to the following question: "If necessary, are you willing to take up arms in defense of the United States of America?"

It is obvious, therefore, that in final form the bill seeks to accomplish by indirection what it could not constitutionally accomplish directly. That is to say, instead of prohibiting a conscientious objector from holding public office or employment, it compels him to publicize his minority religious beliefs in a manner which would as effectively prevent his election or appointment thereto.

The main question in determining the desirability of such legislation is whether it conforms to the letter and spirit of the constitutional provisions guaranteeing to every American freedom of worship according to his own conscience. Particularly is this true when we are in the middle of a terrible world war wherein people of all religions are joined together under the banner of the United Nations for the preservation of the Four Freedoms, among which is the Freedom of Religion—not just your religion and mine, but all religion. Bearing on this subject is the first sentence of the Bill of Rights in the Constitution of the United States (Amendment I) reading as follows: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; \* \* \*". More specifically, however, the Constitution of California, in its "Declaration of Rights," Article I, Section 4, provides that "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State \* \* \*". Article XX, Section 3, further provides: "Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: 'I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of-----according to the best of my ability.' And no other oath, declaration, or test shall be required as a qualification for any office or public trust."

In the spirit of the Bill of Rights, Congress has, in all of the important wars, made provision for those who have religious scruples against bearing arms. In this war it has provided in the Selective Service Act, Subdivision "g" of Section 309, Title 50, that "Nothing contained in this act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form." It then further provides for such persons other types of service in furtherance of the war effort. As a result, many of them are today serving on battlefields in ambulance units, as stretcher bearers and on other dangerous missions of mercy.

Shall persons who thus exercise their constitutional and statutory rights in connection with their religion be held up to public scorn merely for doing so? I cannot believe that it is in the interest of the public welfare to so punish them. By this I do not imply that I share their beliefs. My own religion and my sense of loyalty to my country impel me to bear arms. I did so in the last war and would willingly do so now. My only son of military age, according to his own desires and to my

great satisfaction, is now bearing arms in the Pacific. It is difficult for me as an individual to understand how others cannot conscientiously do the same thing. On the other hand, I am convinced that there are people who do so believe and whose beliefs are as sincere as my own and those who agree with me. Happily, from my point of view, they are decidedly in the minority, because otherwise we might not have achieved victory over the cruel Nazis. I am told that fewer than one in a thousand registrants have asked for and received such exemptions.

In the last analysis, the question resolves itself into whether we shall punish throughout their lives those who hold such beliefs. I am satisfied that the people of our country do not find it in their hearts to do so, and I would regret seeing California, which has always been distinguished by religious tolerance, initiate a type of legislation which might degenerate into "witch-hunting." From such a statute might flow efforts to require applicants for the public service to answer other questions concerning their religion and consciences. I am sure the proponents of this bill have no such designs, but flood gates opened carelessly occasion the same damage as if they were opened intentionally. I believe the sponsors originally intended to keep out of the public service, not those who are serving as stretcher-bearers and medical attendants on the field of battle, but those who refuse to bear arms for their country under the guise of religious belief against war and without actually having such conscientious scruples. Such persons, of course, are fakers and deserve the contempt of all people. On the other hand, there are also those who from the same base motives and without just reasons claim exemption from military service on the grounds of dependency, occupation, physical disability, etc. But we should not taint all who have fairly exercised their rights under the statutes merely because of the derelictions of a comparative few.

I cannot escape the conclusion that this bill would operate only against the person of true religious conviction because he would be the only one to answer the question truthfully when seeking a public position. The fakers and the subversives would lie to accomplish their ends. It would therefore serve no useful purpose.

I trust that on consideration of this veto message the Legislature will bear in mind the great objectives of the war and the things that are making it possible for us to win. To my mind one of the most fundamental things we are fighting for is to retain the right we have always had in America to believe and live according to our religion and our individual consciences. We have been successful in this war beyond imagination and almost entirely because we have achieved unity—the unity of people of all races and of all religious beliefs—a unity that would be shaken, if not shattered, by legislation of this character.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 407 ordered to unfinished business file.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

**Motion to Amend**

Senators Mayo, Dillinger, Carter, Collier, and Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 7 of the printed bill, as amended, between lines 44 and 45, insert  
"SEC. 25. Of the water made available by the construction of the works of any project approved by this act beneficial use of at least 15 per cent thereof shall forever be subject to appropriation for use above such works in the manner provided by law. No use of water below such works, for whatsoever period of time, shall ever ripen into any title, interest or right against such beneficial use, present or prospective, above such works. Every permit and every license hereafter issued for the appropriation of water for use below such works shall be subject to all of the provisions of this section, whether expressly set forth therein or not.

Notwithstanding any other provision of this act, the approval of any project by this act shall be subject to the limitations set forth in this section."

Amendment read.

**Previous Question**

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of the amendments by Senators Mayo, Dillinger, Carter, Collier, and Seawell.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 4 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1208**—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

**MOTION TO REFER BILL TO INACTIVE FILE**

Senator McBride moved that Senate Bill No. 1208 be placed on the inactive file.

Motion carried.

**Senate Bill No. 188**—An act to add Section 738.5 to and amend Section 407 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, lines 8 and 9, of the printed bill, as amended, strike out "and upon the district attorney or his assistant, or any of his deputies,".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 229**—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 230**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.12 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

**Call of the Senate**

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 4.14 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.



## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 231**—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 227**—An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

Bill read third time.

**Motion to Amend**

Senator Deuel moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 10, of the printed bill, as amended, strike out the semicolon, and insert a comma.

**Amendment No. 2**

On page 2, line 46, of the printed bill, as amended, strike out the semicolon, and insert a comma.

**Amendment No. 3**

On page 3, line 30, of the printed bill, as amended, strike out "subdivision a or b", and insert "paragraph (a) or (b)".

**Amendment No. 4**

On page 3, line 33, of the printed bill, as amended, strike out "subdivision", and insert "paragraph (a) or (b)".

**Amendment No. 5**

On page 3, line 34, of the printed bill, as amended, strike out "a or b".

**Amendment No. 6**

On page 3, line 38, of the printed bill, as amended, strike out "subdivision a or b", and insert "paragraph (a) or (b)".

**Amendment No. 7**

On page 3, line 29, of the printed bill, as amended, strike out "Every person heretofore adjudged or determined", and insert

"Section 3048.5 is added to said code, to read:

3048.5. Every person heretofore adjudged or determined".

**Amendment No. 8**

On page 3, line 35, of said bill, strike out "subject to", and insert "eligible for a release on parole as provided in Sections 3047 and 3048 respectively of the Penal Code as amended by this act; provided, however, that every such person heretofore adjudged or determined to be a habitual criminal under paragraph (a) of Section 644 of the Penal Code as that section read prior to the effective date of this act shall be eligible for a release on parole after he shall have served a minimum term of at least 12 calendar years."

**Amendment No. 9**

On page 3 of said bill, strike out line 36.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 986**—An act to add Chapter 10.5 to Title 9 of Part 1 of the Penal Code, relating to horse racing and touting.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 39**—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—30.

**NOES**—Senator Dillworth—1.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.28 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and amendment by Senators Mayo, Dillinger, Carter, Collier, and Seawell to Senate Bill No. 677 adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Dillinger, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—22.

**NOES**—Senators Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillworth, Dorsey, Fletcher, Kuchel, Mixter, Quinn, Rich, Shelley, Swing, Tenney, and Ward—17.

**FURTHER AMENDMENTS TO SENATE BILL NO. 677****Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

On page 12, of the printed bill, as amended, between lines 39 and 40, insert "Sec. 56. The plan of the Corps of Engineers, United States Army, for the Nashville Dam and Reservoir on the Cosumnes River just below the confluence of the River and Big Indian Creek in Section 14, Township 8 North, Range 10 East, Mount Diablo Base and Meridian, in Amador and El Dorado Counties, is hereby adopted and authorized when approved by law of the United States and without any requirement for investigation and report by the Water Resources Board and further approval by the Legislature."

**Amendment No. 2**

On page 12, line 40, of said bill, strike out "56", and insert "57".

**Amendment No. 3**

On page 12, line 50, of said bill, strike out "57", and insert "58".

**Amendment No. 4**

On page 13, line 6, of said bill, strike out "58", and insert "59".

**Amendment No. 5**

On page 13, line 10, of said bill, strike out "59", and insert "60".

Amendments read.

**Motion to Lay on Table**

Senator Rich moved that the amendments offered by Senators Desmond and McCormack be laid on the table.

Motion carried.

Senate Bill No. 677 ordered printed, re-engrossed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 595**—An act to amend Sections 5453, 5457, 7102, 7103, 7135, 7136, 7202, 7203 and 7205 of the Education Code, to add Sections 7105.2 and 7137.2 to said code, and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

**Motion to Refer Bill to Inactive File**

Senator Dorsey moved that Assembly Bill No. 595 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 957**—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

On page 7 of the printed bill, as amended, between lines 10 and 12 insert

"Article 4.6. Minimum Total Amount to be Computed for All Districts of a County.

6958. If the total of the amounts computed for all the elementary school districts and unified school districts of a county under Articles 2, 4 and 4.5 of this chapter is an amount equal to less than seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of such county during the preceding school year, the Superintendent of Public Instruction shall add to such total such an amount as will increase such total to an amount equal to seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of the county during the preceding school year. Such additional amounts shall be apportioned to each elementary school district and unified school district of the county pro rata on the basis of the average daily attendance credited to such districts during the preceding school year."

**Amendment No. 2**

On page 7, line 17, of said bill, strike out "and 4.5", and insert ", 4.5 and 4.6".

**Amendment No. 3**

On page 7, line 37, of said bill, after "be", insert "assumed to be".

**Amendment No. 4**

On page 7, line 47, of said bill, after "Fund," insert "except that the amount assumed to be apportioned to any county shall not be reduced to less than an amount equal to seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of the county during the next preceding school year,"

**Amendment No. 5**

On page 8 of said bill, strike out lines 25 to 31, inclusive, and insert

"(c) If the amount assumed to be apportioned from the State General Fund to any county as determined under (a) or (b) of this section, is larger than the amount assumed to be apportioned from the State General Fund to such county under Section 6961, the difference shall be assumed to be apportioned to the school districts of that county on a pro rata basis of pupils in average daily attendance credited to the districts during the preceding school year.

(d) If the amount assumed to be apportioned from the State General Fund to any county as determined under (a) or (b) of this section, is less than the amount assumed to be apportioned from the State General Fund to such county under Section 6961, the amount assumed to be apportioned to county funds and to districts under Section 6961 shall be reduced on a percentage basis so that the total of the amount to be apportioned to that county from the State General Fund shall equal the amount of the State General Fund as determined under (a) or (b) of this section."

**Amendment No. 6**

On page 9, line 1, of said bill, strike out "amount,"; and strike out lines 2 and 3 and insert "amounts, if any, computed for each district under Articles 4.6, 5, and 6, of this chapter, except that in no case shall the total amount apportioned to districts exceed the amounts computed for districts under Sections 6963 and 6972."

**Amendment No. 7**

On page 9 of said bill, strike out lines 4 to 17, inclusive.

**Amendment No. 8**

On page 9, line 18, of said bill, strike out "6983", and insert "6982".

**Amendment No. 9**

On page 9, line 22, of said bill, after "chapter", insert ", and the amounts, if any, computed under Articles 5 and 6 of this chapter, except that in no case shall the total amount apportioned to such funds exceed the amounts computed for such funds under Sections 6963 and 6972".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Seawell moved that Senate Bill No. 151 be taken from the inactive file and placed on the second reading file.

Motion carried.



**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Carter moved that Senate Bill No. 886 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 174  
Assembly Bill No. 608  
Assembly Bill No. 820  
Assembly Bill No. 1509  
Assembly Bill No. 2000  
Assembly Bill No. 1017

Assembly Bill No. 182  
Assembly Bill No. 1266  
Assembly Bill No. 1268  
Assembly Bill No. 36  
Assembly Bill No. 1408  
Assembly Bill No. 650

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1363**—An act to amend Sections 5015 and 5157 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

And appointed Messrs. Middough, Dunn and Call as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1454**—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, and 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

And appointed Messrs. Call, Watson and Erwin as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1079**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

And appointed Messrs. Beck, Thorp and Leonard as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 630**—An act to amend Sections 6500 and 6512 of the Business and Professions Code, relating to the appointment and compensation of members of the State Board of Barber Examiners.

And appointed Messrs. Haggerty, King and Thompson as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**REPORTS OF STANDING COMMITTEES****Appointment of Committee on Conference**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Cunningham, and Biggar as a Second Senate Committee on Conference concerning Senate Bill No. 1201 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 478  
Assembly Bill No. 726

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1212

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 852  
Senate Bill No. 1151

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 276

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 601

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 468

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 1721

Assembly Bill No. 1825

Assembly Bill No. 1826

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 256

Assembly Bill No. 904

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 516

Senate Bill No. 517

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 756

Assembly Bill No. 1350

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1272

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 392

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 44—Relative to the General George S. Patton, Jr., Victory Project and War Veterans Memorial Park;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fifteenth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 703—An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties;

And reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

#### ADJOURNMENT

At 4.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 16, 1945.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SEVENTIETH LEGISLATIVE DAY

ONE HUNDRED TWENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 16, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George Kennedy of Sebastopol.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. C. M. Cyert, U. S. N., of Minnesota.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. D. Shelley, mother of Senator Shelley, Miss Marie Shelley, sister of Senator Shelley, Miss Helen Brughelli, and Miss Adeline Helms.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Clarence Clifton and Rev. W. V. Immel of Sacramento.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 188

Senate Bill No. 291

Senate Bill No. 677

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 675

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 156

Senate Bill No. 617

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 451

Assembly Bill No. 1468

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 850

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 89

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 698

Assembly Bill No. 1353

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 600

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and place on inactive file until Budget Bill is passed.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered placed on the inactive file.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 101

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 725

Has had the same under consideration, and reports the same back without recommendation because it carries no appropriation.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 608

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and to be placed on inactive file until Budget Bill is passed.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 381

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1022

Assembly Bill No. 1023

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1024

Assembly Bill No. 1025

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 15, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 380

Assembly Bill No. 912

Assembly Bill No. 1518

Assembly Bill No. 913

Assembly Bill No. 911

Assembly Bill No. 914

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bills ordered to second reading.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Tenney:

## Request for Permission to Introduce a Bill

## SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the Eleven Western States and to provide for the distribution and utilization thereof.

Respectfully submitted.

SENATOR TENNEY

## Recommendation of Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 16, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Finance.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1287:** By Senator Tenney—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the Eleven Western States and to provide for the distribution and utilization thereof.

Referred to Committee on Finance.



**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Desmond:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 1269a and 1295 of the Penal Code, relating to bail and deposits instead of bail.

Respectfully submitted.

SENATOR DESMOND

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1288:** By Senator Desmond—An act to amend Sections 1269a and 1295 of the Penal Code, relating to bail and deposits instead of bail.

Referred to Committee on Judiciary.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator McCormack:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers.

Respectfully submitted.

SENATOR MCCORMACK

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Financial Institutions.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 1289:** By Senator McCormack—An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers.

Referred to Committee on Financial Institutions.

**Senate Joint Resolution No. 22:** By Senators Judah and Mayo—Relative to amendment of the Federal Social Security Act in respect to old-age assistance.

Referred to Committee on Social Welfare.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 1186**—An act to add Chapter 2.1, comprising Sections 4421 to 4426, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands and making an appropriation to the Division of Forestry.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In the title of the printed bill, strike out line 1 and insert "An act to add Chapter 2.2, comprising Sections 4451 to 4454,".

**Amendment No. 2**

In the title of said bill, lines 3 and 4, strike out "and making an appropriation to the Division of Forestry".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 26, inclusive; and on page 2 strike out lines 1 to 8, inclusive, and insert.

"SECTION 1. Chapter 2.2, comprising Sections 4451 to 4454, inclusive, is added to the Public Resources Code, to read:

**CHAPTER 2.2. BURNING OF BRUSH COVERED LANDS**

4451. Any person, firm or corporation, or any group or combination thereof, owning or controlling brush covered land within an area the fire protection of which is primarily State responsibility may apply to the Division of Forestry for permission to burn the brush from such lands. The application shall be on a form prescribed by the division and shall contain a description of the lands, the period of time during which the burning is proposed to be conducted, a statement of the precautions and preventive measures that the applicant proposes to prevent the spread of fire to other lands, and such other pertinent information as the division may require.

4452. Upon receipt of an application the division shall make such investigation as may be necessary to determine whether a permit shall be granted and may require the applicant to submit additional information if needed for that purpose.

4453. If the division determines that the proposed burning of brush can be conducted at a time and in a manner that will reasonably avoid damage to property of others, it shall issue to the applicant a permit for the burning of the brush covered lands. The permit shall describe the lands which are authorized to be burned, the period of time during which burning may be conducted, and shall specify the precautions to be taken by the applicant to prevent damage to the property of others by reason of such burning including, if deemed necessary, the advance preparation of firebreaks and the fire fighting equipment and personnel required to be present during such burning.

4454. Neither the applicant, his officers, employees, and agents, or the State or any officer or employee thereof, shall be civilly liable for damage to property of others by reason of the burning of brush covered lands if such burning is conducted in accordance with the terms and conditions of a permit issued as provided by this chapter."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

##### Amendment No. 1

On page 1 of said bill, strike out lines 9 and 10, and insert "from jetties or breakwaters or from an upland or littoral drill site to and into the sub."

##### Amendment No. 2

On page 1, line 11, of said bill, strike out the period and insert ". or shall be slant drilled to and into the subsurface of tide or submerged lands covered by the lease, from a drill site located upon any pier heretofore constructed and available for such drilling upon any tide or submerged lands described in any valid existing lease issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, if in the judgment of the commission such drilling will be in the public interest."

##### Amendment No. 3

On page 1, line 14, of said bill, after "uplands," insert "or upon any pier heretofore constructed and available for such drilling upon any tide or submerged lands described in any valid existing lease issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

**Senate Bill No. 1171**—An act to add Chapter 2.1, comprising Sections 4421 to 4426, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands and making an appropriation to the Division of Forestry.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "4426", and insert "4428".

##### Amendment No. 2

In the title of said bill, strike out lines 3 and 4, and insert "ing to the protection and improvement of range and forage lands and providing for controlled land clearance and revegetation thereof."

##### Amendment No. 3

On page 1, line 1, of said bill, strike out "4426", and insert "4428".

**Amendment No. 4**

On page 1 of said bill, strike out lines 4 to 27, inclusive; and on page 2 strike out lines 1 to 9, inclusive, and insert

**"CHAPTER 2.1. PROTECTION AND IMPROVEMENT OF RANGE AND FORAGE LANDS**

4421. The people of the State have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This chapter is enacted in furtherance of that interest to provide not only for controlled land clearance and revegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

4422. This chapter shall be administered by the Department of Natural Resources acting through the Division of Forestry.

4423. The Division may enter into contracts or cooperative agreements with any person, firm, public or private corporation, district or municipal corporation, or other political subdivision of the State, or any group or combination thereof, owning or controlling brush covered land within the area the fire protection of which is primarily State responsibility for the purpose of engaging in controlled land clearance and revegetation, including the burning of brush from such lands, or portions thereof, under the supervision of the division or by the division.

4424. In furtherance of such contracts and agreements, and also independently thereof, the division shall engage in experimental land clearance and revegetation of such lands in the interests of protection and improvement of range and forage lands and shall also engage in such research in connection with it as will enable it to determine the value of such methods in relation to the several purposes and interests of the people of the State as set forth in this chapter.

4425. The division shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit such reports to the State Board of Forestry for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. The board shall make such reports available to the Legislature.

4426. In making such experiments and in conducting or supervising land clearance pursuant to the agreements or contracts contemplated by this chapter the division shall have available such fire crews and fire fighting equipment as it deems reasonably necessary to prevent the spread of any fire from the area proposed to be cleared, provided such equipment and fire crews are not needed for the control of wild fire.

4427. The division with the approval of the State Board of Forestry may make such rules as are necessary to effectuate the purposes of this chapter.

4428. The division may accept contributions of money from any private source to carry out the powers and duties imposed upon it by this chapter."

Amendments read and adopted.

**MOTION TO RECONSIDER**

Senator Biggar moved to reconsider the vote whereby Senate Bill No. 1171 was amended.

Motion carried.

Senate Bill No. 1171 ordered held on second reading file.

**Senate Bill No. 1265**—An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled "An act to legalize the name of Lake Bigler," approved February 10, 1870.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 478**—An act to renumber and amend Section 10202, to amend Sections 10026, 10029, 10030, 10031, 10251, 10276, and 10579, and to add Section 10553 to, and to repeal Sections 10025, 10027, and 10028 of, the Health and Safety Code, relating to certified copies of birth and death certificates and the administration of the law relating to vital statistics.

. Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 1, line 19, of the printed bill, as amended, strike out the comma; and strike out lines 20 to 22, inclusive, and insert a period.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1212**—An act to add Section 18662 to the Health and Safety Code, relating to auto and trailer camps.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 852**—An act to add Section 86.2 to the State Civil Service Act, relating to physical examinations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 5, of the printed bill, strike out "satisfactory".

**Amendment No. 2**

On page 1, line 5, of the printed bill, strike out "which indicates", and insert "sufficient to indicate".

**Amendment No. 3**

On page 1, line 9, of the printed bill, after "employee," strike out the rest of the line, and all of lines 10 and 11, and insert "sufficient to indicate whether or not he is able to perform the duties of his position, and if he is released on account of physical inability to perform his duties, the physical condition constituting the reason for his release shall become a part of the employee's performance record."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1151**—An act to amend Section 13902 of the Government Code, relating to the State Board of Control.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 12 and 13.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 276**—An act to amend Sections 108 and 109 of, and to add Section 38k to, the State Employees' Retirement Act, and to amend Section 20750 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State employees.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

#### Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert "An act to amend".

#### Amendment No. 2

In line 3 of the title of said bill, strike out "Section 20750", and insert "Sections 20750 and 20490".

#### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 20, inclusive; strike out all of page 2 of said bill; and on page 3 of said bill, strike out lines 1 to 31, inclusive.

#### Amendment No. 4

On page 3, line 32, of said bill, strike out "SEC. 4.", and insert "SECTION 1."

#### Amendment No. 5

On page 3, line 36, of said bill, strike out "-----", and insert "7.20".

#### Amendment No. 6

On page 3, line 38, of said bill, strike out "-----", and insert "13.40".

#### Amendment No. 7

On page 3, line 46, of said bill, strike out "SEC. 5.", and insert "SEC. 2."

#### Amendment No. 8

On page 4 of said bill, strike out lines 17 to 24, inclusive, and insert "SEC. 3. Section 20490 of the Government Code is amended to read: 20490. The contract may include any provisions consistent with this part and necessary in the administration of this system as it affects the public agency and its employees.

*Whenever in this part an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees by amendment to their contracts with the board, any contract made after the effective date of the provision giving such election may include any provisions necessary to give effect to the election of the contracting agency.*

SEC. 4. This amendatory act shall become effective on the first day".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 468**—An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 516**—An act to amend Sections 5024, 5374, 5391, 5395, 5710 and 5838 of, and to add Sections 5244.1 and 5828.1 to the Streets and Highways Code, relating to special assessment proceedings, including incidental expenses, costs in connection with securing sanitary sewer rights of way, delivery of warrants, collection of assessments, compensation of superintendents of construction, and notices.

Bill read second time.

### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

#### Amendment No. 1

On page 3, line 13, of the printed bill, after "just", insert "and the rate thereof shall be fixed by the legislative body conducting the proceedings".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 517**—An act amending Sections 2825, 2851, 2853, 2883, 2950, 2983, 2984, and 2985 of the Streets and Highways Code, relating to special assessment proceedings, including notices, taxation assessment rolls, and allowable changes in proposed acquisitions or improvements.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "2824,".

##### Amendment No. 2

In line 1 of the title of the printed bill, strike out "2853,".

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 2824 of the Streets and Highways Code, is hereby amended to read as follows:

2824. The legislative body shall cause a written report upon the proposed improvement or acquisition to be prepared for it.

The legislative body of a county may require the county surveyor to procure the required information and prepare the report, and the legislative body of a city may require the city engineer or superintendent of streets to procure the required information and prepare the report. In lieu of the county surveyor, city engineer or superintendent of streets, the legislative body of the city or county may employ any competent person to procure such information and prepare the report.

*The person required to prepare the report shall complete and file the same with the legislative body within one year from the date such person is directed to prepare the report.*

SEC. 2. Section 2825 of the Streets and Highways Code is hereby amended to read as follows:"

##### Amendment No. 4

On page 2, line 45, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

##### Amendment No. 5

On page 3 of said bill, strike out lines 10 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 756**—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

On page 3, line 28, of the printed bill, as amended, after "herein", strike out "and roadside plantings".

##### Amendment No. 2

On page 6 of the printed bill, strike out lines 37 to 40, inclusive, and insert

"The department may delegate any expenditure of moneys allocated under Article 3 hereof to any city within which any such highway is located, as in cases of other expenditures on State highways within cities."

**Amendment No. 3**

On page 5, line 7, of the printed bill, as amended, strike out "an amount"; and strike out line 8 and insert "the sum of sixty thousand dollars (\$60,000) and in addition thereto an amount of the balance of the limited access highway funds equal to the proportion that the total".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Senate Bill No. 1272**—An act to add Sections 106.5 and 1203 to, and to repeal Section 1009 of, the Water Code, relating to water and the use thereof, declaring a State policy in relation to water and water rights owned by municipalities, and providing for the application of water in excess of the needs of municipalities to beneficial uses by others.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Water Resources:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out ", and to repeal Section 1009 of,".

**Amendment No. 2**

On page 2 of said bill, strike out line 38; and in line 39 strike out "SEC. 4", and insert "SEC. 3".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 151**—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 886**—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 2045**—An act to repeal Sections 4010, 4011, 4151, 4152, 4153, 4155, 4156, 4157, 4158, 4160, 4161, and 4162 of, and to add Sections 4010, 4011, 4012.5, 4151, 4152, 4153, 4155, 4156, 4157, 4160, 4161, 4162, 4164, 4165, 4166, 4167, and 4168 to, the Public Resources Code, relating to forestry.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 726**—An act to repeal Sections 19810 and 19811 of the Health and Safety Code, and to add Sections 19810, 19811, 19812, 19813, 19814, 19815, and 19816 thereto, relating to inflammable articles, declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, strike out "inflammable"; and also strike out lines 4 and 5 of the title and insert "articles of wearing apparel, cloth, drapery or other fabric or material made from or containing natural or synthetic fiber, including such thereof as are inflammable and constitute a risk of fire and a hazard of injury to life and property, providing for regulation of the use of such articles, and declaring the urgency of this act, it to take effect immediately."

**Amendment No. 2**

On page 1, line 7, of said bill, after "any", insert "natural or".

**Amendment No. 3**

On page 1 of said bill, strike out lines 11 to 15, inclusive, and insert

"(c) 'Inflammable article' as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the fire marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.

(d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provisions should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers. It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described."

**Amendment No. 4**

On page 2, in line 13, of said bill, strike out "3", and insert "19811".

**Amendment No. 4.5**

On page 2, line 15, of said bill, strike out "highly inflammable", and insert "inflammable articles as defined in Section 19810".

**Amendment No. 5**

On page 2, in lines 20 and 21, of said bill, strike out "for the protection of life and property," and insert "to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described".

**Amendment No. 6**

On page 3 of said bill, strike out lines 20 to 27, inclusive, and insert

"It has been ascertained that a few types of articles are of a highly inflammable nature. Most California manufacturers and sellers of articles have not the facilities to determine whether such articles are highly inflammable, and the result of such uncertainty is that in some instances highly inflammable articles will remain where".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 601**—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 7 of the title of the printed bill, as amended, after "Health", insert ", and making an appropriation".

**Amendment No. 2**

On page 5 of the printed bill, as amended, between lines 34 and 35, insert "Sec. 4. Out of any moneys in the State Treasury not otherwise appropriated there is hereby appropriated the sum of \$88,000.00 to be expended by the Department of Public Health during the Ninety-seventh and Ninety-eighth Fiscal Year to carry out the provisions of this act."

**Amendment No. 3**

On page 5, line 35, of the printed bill, as amended, strike out "4", and insert "5".

**Amendment No. 4**

On page 4, line 48, of the printed bill, as amended, after "State", (first word in line) insert ", or any county,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1721**—An act to amend Section 511.9 of the Vehicle Code, relating to prima facie speed limits near military and naval establishments or housing projects.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1825**—An act to amend Section 713 of the Vehicle Code, relating to the use of streets by vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1826**—An act to amend Section 714 of the Vehicle Code, relating to limitation upon the weight of vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 256**—An act to amend Section 252 of the Vehicle Code, relating to chauffeurs.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 11, of the printed bill, after "hereunder", insert ", but such non-resident must be licensed as a chauffeur under the provisions of this code before he may accept regular employment as a chauffeur within this State".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 904**—An act to amend Sections 293, 315 and 316 of, to repeal Section 307 of, and to add Section 307 to, the Vehicle Code, relating to suspensions and revocations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 18, of the printed bill, strike out "either".

**Amendment No. 2**

On page 1, line 19, of the printed bill, strike out "or found by a juvenile court to have committed".

**Amendment No. 3**

On page 1, line 22, of the printed bill, strike out the comma after "misdemeanor"; and strike out "under Section 502".

**Amendment No. 4**

On page 2 of the printed bill, strike out said page and insert

"(b) Such suspension shall be for a period of 30 days from the date the license so suspended is surrendered to the department.

(c) It shall be the duty of every court before which any person is arraigned upon a charge of operating a motor vehicle while under the influence of intoxicating liquor, a misdemeanor, or of violating Section 505 (b) of this code to advise every such person before such person is required to enter a plea to the charge that a plea of guilty or a conviction upon such charge will result in the suspension of the privilege of such person to operate a motor vehicle upon the highways of this State.

(d) Any court in which any person is convicted of operating a motor vehicle while under the influence of intoxicating liquor, a misdemeanor, or of violating Section 505 (b) shall require the surrender to it of any operator's or chauffeur's license held by such person and the court shall thereupon forward any said license to the department.

(e) In the event any person suffers a second or subsequent conviction upon a charge of operating a motor vehicle while under the influence of intoxicating liquor, a misdemeanor, or of violating Section 505 (b), then the privilege of such person to operate a motor vehicle upon the highways of this State shall be suspended for a period of 90 days and such privilege shall not be restored thereafter unless and until such person gives proof of ability to respond in damages as provided in this code."

**Amendment No. 5**

On page 3 of the printed bill, strike out lines 1 to 6, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1350**—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 3, line 12, of the printed bill, as amended, after "herein", strike out "and roadside plantings".

**Amendment No. 2**

On page 6 of the printed bill, strike out lines 10 to 14, inclusive, and insert

"The department may delegate any expenditure of moneys allocated under Article 3 hereof to any city within which any such highway is located, as in cases of other expenditures on State highways within cities."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Assembly Bill No. 392**—An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to work performed by force account.

Bill read second time, and ordered to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuehel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## EXPLANATION OF ABSENCE DURING ROLL CALL

May 16, 1945

**MR. PRESIDENT:** I was granted permission to be absent on legislative business from the Senate floor when the vote on the final passage of Senate Bill 677 was taken, hereby declare that if I had been present on the floor, I would have voted "aye" for said bill and would have supported the same on the floor.

**SENATOR IRWIN T. QUINN**

## THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 19**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Jespersen, Judah, Kuehel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing Tenney, Ward, and Weybret—31

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 246**—An act to amend Sections 261, 261a, and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 773**—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Keating Presiding**

At 2.26 p.m., Senator Thomas F. Keating of the Thirteenth District, presiding.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1082**—An act to establish a system of unemployment disability insurance and to amend Sections 9.8, 40, 45, 45.5, 45.11 and to add Section 52.3 and to repeal Sections 44, 44.2 and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

Bill read third time.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Shelley moved a call of the Senate.

Motion carried. Time, 3.04 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

**President of the Senate Presiding**

At 3.05 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Weybret, Carter, and Brown as a Senate Committee on Conference concerning Assembly Bill No. 1079 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Keating, Slater, and Biggar as a Senate Committee on Conference concerning Assembly Bill No. 1454 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Tenney, DeLap, and Parkman as a Senate Committee on Conference concerning Assembly Bill No. 1363 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Salsman, Shelley, and Sutton as a Senate Committee on Conference concerning Assembly Bill No. 630 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Rich:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:  
An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Respectfully submitted,

SENATOR RICH

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Fish and Game.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jaspersen, Keating, Kuehl, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—32.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read the first time:

**Senate Bill No. 1290:** By Senator Rich—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Referred to Committee on Fish and Game.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.15 p.m., on motion of Senator Shelley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1082 refused passage by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorséy, Jespersen, Judah, Keating, Mayo, McCormack, Powers, Seawell, Shelley, and Slater—18.

**NOES**—Senators Breed, Brown, DeLap, Desmond, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Sutton, Swing, Ward, and Weybret—20.

**MOTION TO RECONSIDER**

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 1082 was refused passage.

**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1082 was refused passage, was continued until the next legislative day.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, the motion of Senator Dillinger to withdraw Senate Bill No. 37 from Committee on Natural Resources for consideration was taken up.

**Senate Bill No. 37**—An act to add Chapter 8, comprising Sections 2801 to 2805, inclusive, to Division 2 of the Public Resources Code, relating to mining conducted by dredging operations.

**MOTION TO POSTPONE CONSIDERATION**

Senator Seawell moved that further consideration of Senator Dillinger's motion to withdraw Senate Bill No. 37 from the Committee on Natural Resources, be postponed indefinitely.

**Roll Call Demanded**

Senators Dillinger, Donnelly, and Gordon demanded a roll call.

The question being on the motion by Senator Seawell to postpone indefinitely further consideration of the motion by Senator Dillinger.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Ward—25.

**NOES**—Senators Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Jespersen, and Shelley—8.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 604**—An act to amend Sections 5241 and 5312 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "Sections", insert "5240,".

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 5240 of the Business and Professions Code is amended to read:

5240. No person shall engage in or carry on the business or occupation of outdoor advertising without first having paid the license fee provided by this chapter. The fee is payable annually in advance on the first day of July of each year to the director or his authorized agent. Each license shall remain in force for the term of one year from and after the first day of July and may be renewed annually.

A license shall be obtained whether or not the advertising display requires a permit. *Notwithstanding any other provision of this chapter, and in addition to the exemptions contained in Section 5229 hereof, each nonprofit organization, including veterans' and farmers' organizations, women's clubs, service clubs, churches and fraternal organizations, may erect and display one sign or one structure relating to the time and place of meetings and the purposes of the organization, without securing a license or permit and without payment of the fees herein provided.*

SEC. 2. Section 5241 of the Business and Professions".

**Amendment No. 3**

On page 1, line 20, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

**Amendment No. 4**

On page 2, line 1, of said bill, strike out "SEC. 3.", and insert "SEC. 4."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Senate Bill No. 188**—An act to amend Section 738 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, and Swing—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 19**—An act making a transfer of money from the General Fund to the Postwar Employment Reserve.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Shelley, Sutton, and Swing—31.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 156**—An act to add a new section to the Agricultural Code, relating to milk and cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, and Swing—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 617**—An act to add Sections 601.5 and 607 to the Agricultural Code, relating to imitation ice cream and imitation ice milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 675**—An act to add Section 634.5 to the Agricultural Code, relating to the processing of cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 44**—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

### MOTION TO RE-REFER ASSEMBLY BILL NO. 44

Senator Carter moved that Assembly Bill No. 44 be re-referred to Committee on Governmental Efficiency and that Senate Bills Nos. 30 and 349 be withdrawn from Committee on Public Health and Safety and referred to Committee on Governmental Efficiency.

Senator Burns demanded a division of the motion.

The question being on the motion to re-refer Assembly Bill No. 44 to Committee on Governmental Efficiency.

### Motion to Lay on Table

Senator Quinn moved that the motion by Senator Carter to re-refer Assembly Bill No. 44 to Committee on Governmental Efficiency, be laid on the table.

The roll was called, and the motion carried by the following vote :

AYES—Senators Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Ward, and Weybret—23.

NOES—Senators Biggar, Carter, Collier, Dillinger, Donnelly, Jespersen, Salsman, Shelley, Sutton, and Swing—10.

Senator Carter withdrew his motion to re-refer Senate Bills Nos. 30 and 349 from Public Health and Safety to Governmental Efficiency.

#### FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 44

The question being on the final passage of Assembly Bill No. 44.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—26.

NOES—Senators Biggar, Carter, Cunningham, Deuel, Dillinger, Jespersen, Keating, Parkman, Powers, Salsman, and Swing—11.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1205**—An act to amend Sections 5048, 5049 and 5055, and to repeal Section 5100 of, and to add Section 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons.

Bill read third time.

##### Motion to Amend

Senator Desmond moved the adoption of the following amendment :

##### Amendment No. 1

On page 4 of the amended bill, strike out line 41 and insert "Religious belief -----".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1264**—An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

Bill read third time.

##### Motion to Amend

Senator Dilworth moved the adoption of the following amendment :

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 15 to 20, inclusive, and insert "on any roadway, except that angle parking may not be permitted on State highways unless :

(1) A State highway within a city is divided into two separate roadways with one-way traffic on each such roadway, each of which is not less than 50 feet in width from curb to curb.

(2) A State highway is within a business district and the roadway thereof is surfaced and delineated by curbs on each side thereof, and such surfaced roadway between curbs is (1) more than 65 feet in width and there are no street car or other railway tracks on such roadway, or (2) is more than 95 feet in width."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 410

Senator Salsman moved that Senate Bill No. 410 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-referred to committee.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 410**—An act to add Chapter 5, comprising Sections 28200 to 28326, inclusive, to Division 21 of the Health and Safety Code and to repeal an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the regulation and sanitation of food handling establishments as defined therein, providing for the inspection and licensing of such premises, and prescribing penalties for the violation hereof.

Bill read second time.

#### Motion to Amend

Senator Salsman moved the adoption of the following amendments:

##### Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike out "bakery,".

##### Amendment No. 2

On page 2 of said bill, strike out lines 21, 22, 23, 24, 25, and 26.

##### Amendment No. 3

On page 2, line 27, of said bill, after "food," insert "and "beverage" ".

**Amendment No. 4**

On page 2, line 30, of said bill, after "foods" insert "or beverages".

**Amendment No. 5**

On page 2, line 38, of said bill, strike out "do", and insert "shall apply only to food handling establishments as herein defined and shall".

**Amendment No. 6**

On page 2, line 40, of said bill, strike out the period and insert "nor to vehicles transporting milk or milk products."

**Amendment No. 7**

On page 2 of said bill, between lines 40 and 41, insert "28208. The provisions of this chapter shall not apply to the storage, cleaning, packaging, or distribution of farm products while unprocessed, nor the storage or distribution of manufactured food products or beverages while in protective shipping containers, nor ice, nor cold storage plants, subject to Chapter 360 of the Statutes of 1913, as amended."

**Amendment No. 8**

On page 3 of said bill, strike out lines 4 to 16, inclusive, and insert "or drink is prepared or utensils washed shall have a smooth washable surface."

The provisions of this section, except those requiring that the walls and ceilings shall be kept clean and in good repair, and excepting also the provisions of Sections 28223, 28224, and 28226, shall not apply to the licensed premises of the holder of a wine grower's or wine or beer manufacturer's license issued pursuant to the Alcoholic Beverage Control Act."

**Amendment No. 9**

On page 3 of said bill, strike out lines 22 to 24, inclusive.

**Amendment No. 10**

On page 3 of said bill, strike out lines 35 to 37, inclusive.

**Amendment No. 11**

On page 3 of said bill, strike out lines 40 to 44, inclusive, and insert "properly ventilated."

**Amendment No. 12**

On page 3 of said bill, strike out lines 50 to 52, inclusive.

**Amendment No. 13**

On page 4 of said bill, strike out lines 28 and 29, and insert "equipment, utensils, or other equipment shall be kept clean".

**Amendment No. 14**

On page 4, line 45, of said bill, strike out "(d)", and insert "(c)".

**Amendment No. 15**

On page 5, line 7, of said bill, strike out ", nonabsorbent".

**Amendment No. 16**

On page 5 of said bill, strike out all of lines 13 to 21, inclusive.

**Amendment No. 17**

On page 5, line 27, of said bill, after "be", insert "reasonably".

**Amendment No. 18**

On page 5, line 31, of said bill, strike out "of", and insert "where food or beverage is stored, kept, or served in".

**Amendment No. 19**

On page 5, line 31, of said bill, after "establishment", insert "where there exists any possibility of food contamination, whether directly or indirectly, or which produce disagreeable or obnoxious odors,".

**Amendment No. 20**

On page 5, line 38, of said bill, after "with", insert "food in".

**Amendment No. 21**

On page 8, line 24, of said bill, strike out "the", preceding the word "employee", and insert "such".



**Amendment No. 22**

On page 8, line 25, of said bill, strike out the period and insert "by the health officer."

**Amendment No. 23**

On page 8 of said bill, between lines 43 and 44, insert "28320.5. The proceedings for the suspension or revocation of licenses under Articles 3 and 4 shall be conducted in accordance with Chapter 5, of Part 1, of Division 3, of Title 2 of the Government Code; and the Board shall have all the powers granted therein."

**Amendment No. 24**

On page 9 of said bill, strike out lines 1 to 4, inclusive.

**Amendment No. 25**

On page 9, line 15, of said bill, after "any city", insert ", county,"

**Amendment No. 26**

On page 9, line 20, of said bill, after "such city", insert ", county,"

**Amendment No. 27**

On page 9, line 20, of the printed bill, strike out the period and insert ", provided, however, that any food establishment which complies with such local health ordinance or resolution in any such city, county, or city and county shall not be subject to such regulations under the ordinance or resolution of any other city, county, or city and county."

**Amendment No. 28**

On page 9, line 24, of said bill, strike out "pertaining to retail outlets".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 991**

Senator Mayo moved that Senate Bill No. 991 be withdrawn from Committee on Transportation for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 991**—An act to add Sections 682 and 683 to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Bill read second time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, strike out lines 1 and 2, and insert "An act to add Chapter 7 to Title 10 of Part 2 of the Code of Civil Procedure relating to civil proceedings for".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "on State highways", and insert "and permits".

**Amendment No. 3**

On page 1 of said bill, strike out line 1 and insert "SECTION 1. Chapter 7 is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

## CHAPTER 7. CIVIL PROCEEDINGS FOR FRANCHISES AND PERMITS

830. When any railroad corporation has made application to any city, county, or city and county, for a franchise or permit to construct and operate a railroad track or tracks across any street, road, or alley, in such city, county, or city and county, and such franchise or permit has been arbitrarily or unreasonably withheld or denied, or has been tendered upon unreasonable or arbitrary terms and conditions, such railroad corporation may bring and maintain against such city, county, or city and county, an action in the Superior Court of the county whose geographical limits include the street, road, or alley, across which such franchise or permit is sought. If the court from a fair preponderance of the evidence introduced before it, finds that the requested franchise or permit has been arbitrarily or unreasonably withheld or denied, the court shall order said city, county, or city and county to tender a franchise or permit containing reasonable terms and conditions; or if the courts finds that the requested franchise or permit has been tendered upon unreasonable or arbitrary terms or conditions, the court shall order said city, county, or city and county to tender a franchise or permit within a reasonable time upon reasonable terms or conditions, and if thereafter the court finds the franchise or permit so tendered contains terms and conditions which are unreasonable or arbitrary or if no franchise or permit be tendered within a reasonable time, the court shall order the city, county or city and county to grant a franchise or permit containing terms and conditions which the court finds to be reasonable."

## Amendment No. 4

On page 1 of said bill, strike out lines 2 to 30, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

## REPORTS OF STANDING COMMITTEES

## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 28

Senate Bill No. 1087

Senate Bill No. 1079

Senate Bill No. 1131

Senate Bill No. 1084

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1075

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 14, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 897

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1781

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred: Senate Bill No. 564

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 615

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**PRINTING OF REPORT IN JOURNAL**

Pursuant to the motion made by Senator Hatfield on May 10, 1945, the report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor was ordered printed in the Journal of this date.

## REPORT ON FARM LABOR

## FINAL REPORT OF THE JOINT LEGISLATIVE FACT-FINDING COMMITTEE ON AGRICULTURAL AND INDUSTRIAL LABOR TO THE CALIFORNIA LEGISLATURE, FIFTY-SEVENTH SESSION, 1945

## MEMBERS OF COMMITTEE

SENATOR GEORGE HATFIELD, Chairman  
 ASSEMBLYMAN HARVEY E. HASTAIN, Vice Chairman  
 SENATOR BRADFORD S. CRITTENDEN  
 ASSEMBLYMAN LEE BASHORE\*  
 ASSEMBLYMAN LLOYD LOWREY, Vice Chairman  
 ASSEMBLYMAN THOMAS M. ERWIN, Vice Chairman  
 ASSEMBLYMAN JOHN F. THOMPSON

## HEARINGS: FIVE

<i>Date:</i>	<i>Place:</i>
February 11, 1943.....	Los Angeles
February 23, 1943.....	El Centro
March 6, 1943.....	Sacramento
February 17, 1944.....	El Centro
February 21-22, 1944.....	Los Angeles

*Persons who testified on February 11, 1943:*

R. N. Wilson.....	Director, Agricultural Department, California State Chamber of Commerce, 18 Years .....	San Francisco, California
J. E. Deuel.....	Director, Utilities Department, California Farm Bureau Federation.....	Berkeley, California
C. W. Robinson.....	Farmer, Orange Grower, 20 Acres .....	Riviera, California
H. A. Walsh.....	Farmer, Alfalfa and Cotton, 100 Acres .....	Palos Verde Valley, California
C. P. Blatz.....	Packing House Manager, Los Angeles; Lemon and Grapefruit Grower, San Bernardino County.....	Los Angeles, California
Louis F. De Martini.....	Vegetable Grower, 66 Crop Acres.....	Compton, California
George Van Mouwerick.....	Dairyman, 400 Stock.....	Redlands, California
J. P. Butler.....	Vegetable and Fruit Grower, 1,000 Acres .....	Los Angeles, California
A. J. McFadden.....	Farmer, Growing Oranges, Lemons, Persimmons, 30 Years .....	Santa Ana, California
W. J. Cecil.....	Director, California State Department of Agriculture .....	Sacramento, California

*Persons who testified on February 23, 1943:*

T. M. Finney.....	County Manager, U. S. Employment Service, Formerly with State Employment Service Seven Years .....	Imperial County, California
W. H. Graham.....	Chairman, Utility Committee, Imperial Valley Farm Bureau, Farmer, 500 Acres Alfalfa.....	Imperial Valley, California
Argyle McLachlan.....	Manager, Southwest Flaxseed Association, Rancher .....	Calexico, California
B. A. Harrigan.....	Imperial County Agricultural Commissioner and Farmer.....	El Centro, California
Bert R. Purdy.....	Farm Implement Business Edgar Implement Store.....	El Centro, California
L. E. Sinclair.....	Rancher, 1,500 Acres Vegetables, 3,000 Flax, 1,500 Grain.....	Calipatria, California
M. E. Ryan.....	Manager, Imperial Hay Growers Association, 60,000 Acres, Hay.....	Westmoreland, California

\*Deceased.



*Persons who testified on February 23, 1943—Continued*

Charles Bramkamp-----Manager, Golden State  
Company, Milk-----El Centro, California  
Roy M. Bellwood-----Manager, Imperial Grain Growers  
(barley, flax, wheat)-----Brawley, California  
George Winright-----Farm Adviser, Imperial County,  
14 Years -----El Centro, California

*Persons present on March 6, 1943:*

Ray Wiser, Chairman  
George Hatfield, Senator  
George Luckey, Senator  
U. P. Donnelly, Senator  
Frank W. Mixter, Senator  
Lee Bashore, Assemblyman  
Harvey Hastain, Assemblyman  
Lloyd Lowrey, Assemblyman  
Fred Weybret, Assemblyman  
Fred Wood, Legislative Counsel  
Sidney Weinstock, Legislative Counsel  
Arthur Coats, Legislative Counsel  
I. H. Pfaffenberger, Attorney  
Perry Taft, Attorney General's Office  
Stewart Walsh, Attorney General's Office

*Persons who testified on February 17, 1944:*

W. R. Batley-----District Manager Since 1926 of Western  
Fruit Growers (vegetable, citrus, and  
deciduous fruit growing and  
shipping concern) ----Imperial County, California

*Persons who testified on February 21-22, 1944:*

Robert Beardsley-----Farmer, President, Ventura County Farm  
Bureau, Three Years--Ventura County, California  
Leonard M. Kearns-----Chief, Food Price  
Section, OPA -----Los Angeles, California  
Joseph Bradfield-----Federal Official -----Los Angeles, California  
Tim Cleugh-----Vegetable Grower,  
160 Acres -----S. P. Bldg., Norwalk, California  
Paul Thornton-----Farmer, Entire Life,  
1637 E. Whittier Blvd.-----Whittier, California  
E. C. Kimball-----Farmer, Walnuts, Lemons, Oranges, Avocados,  
196 Acres -----Ventura, California  
Henry Hepner-----President, San Gabriel Valley Labor  
Association, Manager, Covina Orange  
Growers Association -----Covina, California  
J. P. Butler-----Rancher, President Los Angeles County  
Farm Bureau, 10500 Santa  
Susanna Blvd.-----Chatsworth, California  
Robert O. Price-----Citrus Grower, 36 Years, Representing  
County Farm Bureau,  
2370 Euclid Ave.-----Upland, California  
Henry L. Lucas-----Secretary, Lucas Ranch Company,  
1,190 Acres (dairy, fruit, citrus)  
President, Southern California Farmers'  
Association, 701 W. Nevada---Ontario, California  
Roy Sebring-----Secretary-Treasurer Farm Loan Association,  
Grower, 20 Acres.-----Chino, California  
Milton Frater-----Walnut Grower, 90 Acres  
1705 N. Towne Ave.-----Pomona, California  
E. Roy Nash-----Manager, Commissary Department,  
Citrus Growers, Incorporated,  
506 N. Los Angeles St.-----Anaheim, California  
Ralph H. Taylor-----Executive Secretary, Agricultural Council  
1400 10th St.-----Sacramento, California  
Camille A. Garnier-----Field Crops Representative, California  
Farm Production Council,  
Farmer -----Puente, California  
Gordon Lyons-----Representative of Sugar Beet,  
Asparagus, Tomato Growers,  
145 S. American St.-----Stockton, California  
S. E. Goodall-----Secretary, Los Angeles County  
Farm Bureau,  
129 W. Second St.-----Los Angeles, California  
A. J. McFadden-----Member, State Farm  
Production Council -----Santa Ana, California  
William B. Parker-----Director, California Farm  
Production Council -----Berkeley, California

Report and Comments of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor Appointed Pursuant to the Terms of Senate Concurrent Resolution No. 13 and Continued by Senate Concurrent Resolution No. 40 of the Fifty-fifth Session of the California Legislature, and Continued by Senate Concurrent Resolution No. 1 of the Fifty-sixth Session of the California Legislature, Covering the Committee's Investigation of Farm Labor and Related Subjects

*To the Senate:*

This committee has completed the work assigned and submits its final report and comments.

Several phases of the committee's work have been reported to Senators prior to this final summary.

This cumulative report is concerned with the committee's investigation of farm labor in California, and to some extent Nationally, from the date of the first hearing until the filing of this report.

Much material of an obviously historical nature has been included in these findings, for farm labor problems will always exist in California and we should profit from the costly experience which has taught us so many lessons for the future.

While hearings have not been held recently, the committee, pursuing its purpose, has been able to gather much valuable, enlightening, and current information regarding farm labor and related subjects. The committee includes this new material, augmenting testimony, for the information and possible guidance of Senators and to present a continuing record of this increasingly perplexing problem.

We have found no one who can tell us now how farm labor supplies will be affected by the impact of peace. Although at war, we must be thinking of a peace which might come quickly, and how peace will affect our National economy, particularly food production and the abundance or scarcity of farm workers.

It will be helpful at this point, no doubt, to show the tremendous production of California agriculture and its importance not only to the State and the Nation but also to the world.

Reports prepared for the committee by Margot Wakeman Lenhart, Farm Labor Market Analyst of the Agricultural Extension Service, show that California growers produced \$1,700,469 (8.44 per cent) of the Nation's \$20,136,378 agricultural wealth in 1944, a critical war year, and in the two previous wartime years their contribution was as follows:

1943	\$ 1,573,465	(8.21 per cent)	California
	\$19,169,024		United States
1942	\$ 1,148,351	(7.50 per cent)	California
	\$15,316,418		United States

It is also enlightening to bear in mind the contributions of California growers to the total production of their crops throughout the Nation, the same source citing that:

1. California produces 100 per cent of the almond crop.
2. California produces 100 per cent of the fig crop.
3. California produces 100 per cent of the lemon crop.
4. California produces 100 per cent of the olive crop.
5. California produces 97 per cent of the prune crop.
6. California produces 91 per cent of the grape crop.
7. California produces 90 per cent of the apricot crop.
8. California produces 90 per cent of the English walnut crop.
9. California produces 65 per cent of the lettuce crop.
10. California produces 61 per cent of the orange crop.
11. California produces 56 per cent of the carrot crop.
12. California produces 37 per cent of the peach crop.
13. California produces 34 per cent of the pear crop.
14. California produces 30 per cent of the barley crop.
15. California produces 30 per cent of the dry bean crop.
16. California produces 28 per cent of the hop crop.
17. California produces 29 per cent of the tomato crop.
18. California produces 23 per cent of the rice crop.
19. California produces 20 per cent of the cherry crop.
20. California produces 19 per cent of the sugar beet crop.
21. California produces 14 per cent of the hay crop.
22. California produces 10 per cent of the flaxseed crop.
23. California produces 10 per cent of the potato crop.
24. California produces 6 per cent of the apple crop.
25. California produces 3 per cent of the cotton crop.
26. California produces 1 per cent of the wheat crop.

Thus, through unchallenged production figures, we are shown the prodigious proportions of California agriculture.

Also is shown, we submit, the wisdom of the State of California, through the provident action of its Legislature and the approval of Governor Warren, in making

far-sighted preparations in 1942 to finance and operate its own Farm Labor Placement Service in case the National Farm Labor Recruitment Program should have bogged down altogether.

The evidence shows that in 1942, the year before the operations of the Farm Production Council, California growers lost crops worth about \$14,000,000 through lack of harvest labor, but that during the first year of the council's operation there had been practically no loss of importance due to lack of farm help. (See "Estimated Crop Losses in California Due to Farm Labor Shortages During 1942," by Geo. A. Scott, Principal Agricultural Statistician, California Cooperative Crop Reporting Service.)

The enactment of the Food and Fiber Act and the subsequent creation and operation of the California Farm Production Council was California's answer in bold and prompt action at that critical period when, due to incompetence and hesitancy in Washington, D. C., the entire farm labor program in this State and this Nation was threatened.

In view of what occurred then, what could have happened, what the committee has learned first hand from many witnesses, and from its own conclusions regarding the present situation, the committee suggests that it has been proved beyond a doubt that California should never in the future be without a "stand-by" set up that could take over responsibility quickly and operate an orderly plan in case the National farm labor procurement program should become snarled again. This important consideration in the present farm labor situation in California is the subject of a special recommendation made a part of this report.

The Senate should be constantly and clearly informed on this important activity.

The committee is fortunate in that it has had the benefit of the testimony taken in California by the Special Committee to investigate farm labor conditions in the west. This committee was headed by the Honorable Sheridan Downey, United States Senator from California. The committee also had the benefit and enlightenment of the printed reports of the hearings held by the Subcommittee of the Committee on Appropriations of the United States Senate, Seventy-eighth Congress, 1944.

In the light of this testimony, the committee takes this opportunity to point out the remarkable services performed for California and the Nation by Colonel Philip G. Bruton, formerly Director of Labor, War Food Administration, since returned to active duty with the United States Army. Colonel Bruton, in innumerable and particular ways, was able and eager to help California agriculture solve many difficult farm labor problems. Because of his "know how" in Washington, D. C., his personal knowledge of California farm conditions, and his sympathy and understanding for and of the farmer's problems, this outstanding Army officer was able to and did perform to the very highest standards of public service.

The committee also wishes to point out to Senators that from that day the responsibility for the administration of the Farm Placement Service was sheared from the United States Employment Service and the importation of foreign workers removed from the functions of the Farm Security Administration, criticisms and complaints formerly directed at farm labor recruiting and administration have mostly vanished. This shifting from condemnation to approbation is a bright compliment to the administrative and field staffs of the Agricultural Extension Service, headed by Professor B. H. Crocheron, and his able assistants, Warren R. Schoonover and Frank R. Buckner, and to the coordinating efforts of the Farm Production Council and its staff, headed by Professor R. L. Adams, and to the Office of Labor, War Food Administration, headed by William A. Anglim, Chief of Operations, Berkeley.

These agencies and these thoughtful men, and many others unnamed but nonetheless important, are all working harmoniously for the welfare of California agriculture and the people of the State, and together they show what can be done when authority on a State level is coordinated, responsibility fixed, and locally directed.

The committee finds, corroborating what every farmer knows and has known for years, that the lack of new farm machinery, replacements and repair parts, is perhaps the most perplexing farm problem at present. Now we are informed that there will be less controlled materials for the production of farm machinery in the second quarter of 1945, considerably less, only 195,000 tons compared with a net usage of 256,000 tons in the first quarter of the year.

The amount of steel allotted for repairs will remain the same for the second quarter, and this means that the cut must be absorbed in the production of new farm machinery.

Furthermore, a report of the War Production Board on March 1st showed manufacture of wheel tractors to be 3 per cent behind schedule, repair parts, 9 per cent; attachments, 4.4 per cent; all other equipment, 20.4 per cent.

Considering the situation, let us revert to 1943 and consider what United States Senator Harry S. Truman, now the President of the United States, said about the situation then. In the Second Annual Report by the Special (Truman) Committee to Investigate the National Defense Program, the then Senator Truman wrote (Congressional Record, March 11, 1943, beginning on page 1902):

"While supremely confident of victory, the committee is convinced that the year ahead will be the toughest and grimmest in our Nation's history, both on the fighting fronts and for the men and women on the home front. If we



are to do the job we have set for ourselves and cut down the loss of life in this war, this year will demand harder work, longer hours, greater sacrifices, and more single-minded devotion from every American \* \* \*. Three basic weaknesses in our war program have been responsible for nearly all the failures and shortcomings which the committee has found in a score or more of investigations of specific phases of that program. These are:

"1. Inadequate overall planning within Government agencies at the beginning of the various programs, and delay in determining basic policies necessary to carry out such programs effectively.

"2. Conflicting authority over and responsibility for various phases of the war program, resulting in delays and buck passing.

"3. Hesitancy of Government to adopt unpopular or unpleasant policies long after the facts clearly indicated such policies were necessary.

"Farmers produced food magnificently under handicaps in 1942. Greater production will be required in 1943. Prices of commodities including both labor and farm prices, must be controlled if inflationary spirals with consequent disaster are to be avoided. "Full and effective utilization of our available manpower is one of the biggest jobs on the home front this year, and it will become more and more urgent as induction of men into the armed services continues. Strong, firm policies of government, backed by the cooperation of labor, industry, and agriculture will be essential. \* \* \* Care should be taken to provide the machinery which is necessary to produce and transport food, oil, coal, and the various minerals."

During Senator Truman's report, Senator Clark of Missouri pointed out that "farm machinery was allotted to States only on the basis of the extent of mechanization they already had, so that the State of Iowa, for instance, which was about 90 per cent mechanized, could obtain 90 per cent of the available supply of machinery, whereas the State of Oklahoma, perhaps only 14 per cent mechanized, could obtain farm machinery only on the basis of 14 per cent of the available machinery. I think that was one of the most asinine orders ever issued."

Senator Truman concurred in Senator Clark's remarks. Commented Senator Truman: "I think that if the Secretary of Agriculture had made the fight as he should have made it, the supply of farm machinery would not be short now."

These remarks, particularly those of the present President of the United States, then a United States Senator, are incorporated in the report to show the National situation and to point up one of the fundamental weaknesses of the whole farm labor situation, the lack of new machinery, repair, and replacement. This difficulty, fundamental in relieving the farm labor situation, continues to this very day and this very hour.

The committee finds that there is a grave threat to the welfare of agriculture and the continued success of our farm labor program in the "mumbo-jumbo" method of liquidating vast amounts of Federally-owned surplus equipment useful in agriculture.

The committee emphasizes that somehow the farmers of the Nation, and the food processors, must be given first opportunity to purchase this equipment at fair prices. If the vast amounts of equipment needful in the operation of farms, orchards, and ranges is not made available to all the people producing food in this country and food production consequently falls drastically, then the condemnation of the Nation can justly fall on those responsible.

Farmers should not be required to pay exorbitant prices to speculators for this material purchased with the people's money.

It still is true that in order to live, people must eat. Nothing outweighs that consideration. It does not suffice that a man obtain a new automobile, his family a new radio set, or his wife nylon stockings, if they cannot obtain food.

An editorial comment on the deplorable situation regarding the disposition of surpluses as at present, is inserted in the Appendix. (See "Surplus Property Disposal" in New York Times, March 26, 1945 printed in the Congressional Record, Page A 1896-7, April 17, 1945 at the request of Honorable Daniel A. Reed of New York.)

The testimony of all witnesses has been summarized and is a part of this report. The complete transcribed testimony is also available in the records of the committee. Also available for inspection and study are the exhibits listed.

#### **Wartime Problems of Farm Labor Recruitment in California**

California farm labor problems really took on importance from an administrative standpoint in 1940, the first year after the start of the European war, when the State Department of Employment became more concerned with an organized program for recruiting and placing agricultural workers.

A State Supervisor of Farm Placement was appointed within the Department with responsibilities strengthening field offices and developing an information service for the benefit of workers and employers. In consultation with many interested groups, the Farm Labor Reporting system was inaugurated which would furnish information regarding labor shortages and surpluses and would provide current information on working conditions in the varied crops throughout the State.



This was in anticipation of critical changes in the farm labor supply of the State which would undoubtedly be occasioned by the European War and which would become extremely serious if the conflict would eventually involve the United States.

California harvests are largely dependent upon migratory agricultural workers. Seasonal workers were estimated before the war to constitute approximately 50 per cent of the total labor force and of this number a great number followed the crops from one location to another. It is extremely important that these workers shall be guided into the areas of labor shortage at the time of need. Reliable work information is, therefore, very necessary to any successful program.

The farm labor supply in California in 1940 was sufficient to harvest all crops with no more than normal losses, or those losses which occur as a result of abandonment, market conditions, extreme weather, or cultural practices. In fact, labor surpluses were reported in a number of areas during this year.

The general farm wage in 1940 was 40 cents an hour.

In 1941 the farm labor supply was adequate for nearly all crops, although some difficulty was experienced in the late harvests of cotton and sugar beets. Labor stringencies were not apparent until the fall months of the year and wage levels did not change materially from the previous year. A slight movement of workers began during the later months from farm work to war industries which were beginning to expand as a result of increased purchases by the European Nations and the growing defense program in the United States.

Industrial wages were so much more attractive than farm wages that the competition grew to alarming proportions within a short period of time.

Immediately following the outbreak of war in December, 1941, all State Employment Services were organized into the United States Employment Service by presidential order which became effective January 1, 1942. This required a change of administrative authority which became invested in the Social Security Board and was removed entirely from State administration.

It was during this year that the farm labor problem became involved in a combination of circumstances which are unlikely to be repeated under any other conditions than that of another war.

The necessity of industrial production led to ever increasing wages and increasing competition between the war industries and agriculture. It has been estimated that as many as 90,000 regular farm workers left California farms during this year to work in shipyards, aircraft factories, munitions plants, military installations, and other war activities.

The evacuation of persons of Japanese ancestry from California removed 93,000 of the population of the State of whom it was estimated that from 15,000 to 20,000 were either agricultural employers or workers. About 6,000 California farms were owned by Japanese at this time. These farms produced a wide variety of crops but were chiefly planted to vegetables and fruits.

Production goals were set for this year which would return needed quantities of specified fruits and vegetables for war purposes. Particular emphases were placed on canning tomatoes and dried fruits, citrus fruits, and other commodities which could be concentrated into commodities of great food values and which would, as much as possible, conserve shipping space and materials for containers. These demands resulted in drying the entire crop of raisin grapes for the first time in the history of the State. They also resulted in greatly expanding the canning tomato acreage in one season, an increase from 89,940 acres to over 124,680 acres.

Increasing demands of draft boards made inroads into the agricultural labor force and, because agricultural deferments were not recognized, resulted in the removal of not only the field workers or common laborers but also in the induction of many farm owners and superintendents and other key persons.

Agricultural deferments were not recognized until the Tydings amendment to the Selective Service Act was passed in the later months of 1942.

California farmers began talking about possibilities of importing Mexican nationals early in the spring of that year. A request for the importation of 4,000 Mexican nationals was received by the United States Employment Service from the sugar beet industry in March, 1942.

This request was forwarded at once with a recommendation of approval from the State representatives to the Social Security Board and a plea for quick action was made. The proposal to import foreign workers was considered by many government agencies from March until August when an arrangement was finally concluded with the Mexican National Government to bring in 3,000 workers for the sugar beet industry in California. The first workers arrived in the State on September 29, 1942, and 3,000 had been delivered by the end of October of that year.

Other employers immediately became interested in this source of labor and a second importation was authorized for the delivery of 1,800 Mexicans to the vegetable growers of the Imperial Valley. Workers began to arrive for the vegetable industry by early December.

The citrus industry then indicated an interest in Mexican nationals and arranged an organization to employ all workers released by the sugar beet industry at the end of the sugar harvest and to obtain additional workers by importation from Mexico.

Approximately 1,500 of the sugar beet workers remained to harvest citrus fruits and additional workers were brought in during the early months of 1943.

Cooperative farm labor associations immediately developed in many parts of the State to employ Mexican nationals. These organizations varied in size from associations which contract for Mexicans to perform work in as many as 10 counties down to associations which employ Mexican nationals within only a very small area within a single county. Individual employers also contracted for Mexican nationals and the program grew by leaps and bounds. By February of 1943, California employers had filed orders for approximately 20,000 Mexican nationals.

Harvests during the first year of the war were largely successful because of the effort of many volunteer organizations and because of the willingness of inexperienced and unaccustomed workers to lend a hand. Innumerable organizations, such as the California State Employees Association, public schools, youth organizations, YMCA, YWCA, Boy Scouts, Camp Fire Girls, American Women's Voluntary Services, American Youth Hostels, Chambers of Commerce, merchants' associations, and service clubs, provided thousands of workers to pick and harvest perishable foodstuffs.

Organized harvest camps for both boys, girls and women were utilized effectively. Day-haul programs from centers of population accounted for thousands of workers.

Significant crop losses for the year were tabulated by the California Cooperative Crop Reporting Service and a copy of this report is included in the Appendix. This total loss represents a very small per cent of the total production value of California crops in 1942, but the loss came at a time when it could ill be suffered.

During 1942 the California Legislature appointed an Interim Committee on Agricultural Labor composed of Senators Robert Kenny and John Phillips which committee conducted a series of hearings throughout the State. The committee's excellent report should be considered in any study of the California farm labor problem.

The U. S. Senate likewise appointed a special investigating committee to examine the farm labor problem on the Pacific Coast. This committee was composed of Senators Downey of California, McFarlane of Arizona, and McNary of Oregon, who conducted hearings in Sacramento and Los Angeles in late November and early December, 1942. A transcript of the Los Angeles hearing is available for inspection and study. No transcript was kept of the Sacramento hearings although a great quantity of testimony was taken and made available to the committee.

In late January of 1943, Paul V. McNutt, Chairman of the War Manpower Commission, relinquished the Farm Placement function to the U. S. Department of Agriculture, and requested Secretary Claude Wickard to assume the responsibility of recruiting and placing agricultural workers.

This action resulted in passage of U. S. Public Law 45, Seventy-eighth Congress, which lodged the responsibility for the Farm Placement program with the Agricultural Extension Services of the Land Grant Colleges of the respective States. This law was passed by Joint Resolution of the Congress and was approved by the President on April 29, 1943. Funds were made available to the War Food Administrator who was charged to apportion not less than \$9,000,000 and not more than \$13,000,000 for expenditure by the Agricultural Extension Services in such States.

The Agricultural Extension Service of California, with the approval of The Board of Regents of the University of California, assumed full responsibility for farm placement approximately June 1, 1943. The Extension Service immediately established farm placement offices in all counties of agricultural importance and in the two metropolitan areas. About 130 such offices are now in operation.

The Farm Placement program is dependent upon congressional action for its continuation. The War Emergency program was authorized by U. S. Public Law No. 45, Seventy-eighth Congress, for the calendar year 1943. By Public Law No. 229, Seventy-eighth Congress, it was extended for the calendar year 1944 and by Public Law No. 529, Seventy-eighth Congress, for the calendar year 1945.

#### **Farm Labor Recruiting in California Under Agricultural Extension Service**

When the farm placement program became a responsibility of the Agricultural Extension Service in midseason of 1943, approximately 130 farm placement offices were established in all counties of agricultural importance, and in the San Francisco bay region and metropolitan Los Angeles. Some offices are operated seasonally to meet special harvest problems. Offices were placed in charge of qualified persons who were employed locally and who were familiar with community conditions.

The Farm Labor staff became employees of the University of California through the Agricultural Extension Service. These offices were charged with the responsibility of all local recruitment of farm workers, and were sources of information for migratory workers who were following the crops from area to area.

All offices are required to submit periodical farm labor reports which are summarized by the headquarters in Berkeley into a weekly report for information purposes. This report is the basis for an informational service which is complete and as reliable as possible.

Farm placement managers cooperate closely with county farm labor committees which were established by the California Food and Fibre Act of 1943 (California Farm Production Council) and which serve as local advisory boards in all matters pertaining to farm labor.

Farm placement managers take any necessary steps to mobilize volunteer workers for emergency harvests, and to arrange the establishment of harvest camps for women, boys, and girls.

Requests from employers for foreign workers or prisoners of war usually originate through the farm placement offices in the various counties. Offices in the metropolitan areas were established primarily for the recruitment of volunteer workers. Contacts have been made with various civic groups to recruit week-end crews and vacation families.

Metropolitan offices are also being used to recruit farm laborers from industrial workers who are being laid off or are leaving their industrial jobs because of the slackening of work for national defense.

Distinctive highway signs have been located on all principal highways of the State inviting farm workers and employers to call on the farm labor offices for information.

Farm labor offices of the Agricultural Extension Service filled 342,192 jobs during the last seven months of 1943, and 659,339 jobs during 1944.

This program of activities has proved to be very effective and it has received the full cooperation of all interested groups. Farm labor offices are well recognized by the employers and by farm workers of the State and are being used by an increasing number of people which in itself is a splendid indication of the effective service being rendered.

The California Farm Placement program is administered under the direction of Professor B. H. Crocheron, Agricultural Extension Service, University of California. State headquarters of the emergency farm labor project are located in Berkeley.

The emergency farm labor program has been financed by Federal appropriation under Public Law No. 45, Public Law No. 229, and Public Law No. 529 of the Seventy-eighth Congress. The present appropriation will expire December 31, 1945.

In view of the continuation of the war, it is reasonable to believe, in fact it is probable, that Congress will continue to finance the program during the emergency. It is indefinite as to whether the program will be continued thereafter or how it will be financed.

#### History of the California Farm Production Council

The California Farm Production Council came into being through enactment by the Legislature in March 1943, of the Food and Fiber Production Act. Its submission to the Legislature grew out of a series of conferences participated in by farm leaders at which it was pointed out that at that time there seemed little likelihood of agriculture receiving assistance from the Federal Government in dealing with production problems, particularly farm labor shortages.

The Food and Fiber Production Act charged the council of seven representative farm leaders, appointed by Governor Warren, with broad responsibilities. To accomplish the work entailed in meeting these responsibilities, the Legislature has appropriated a total of \$2,789,882.

Shortly thereafter, the Congress enacted the first of a series of three annual farm labor program acts which, to some extent, duplicated the activity provided for the Food and Fiber Production Act. The council immediately conferred with the Federal agencies in California charged with the Federal farm labor program and agreed on a division of responsibility by which all duplication of effort would be avoided.

The council chose as its major activity the provision of farm labor housing, absolutely essential to the maximum use of the limited available farm labor supply, together with rendering other necessary services in the production programs that California farmers found difficult or impossible to provide for themselves.

A very large part of the first appropriation was spent in acquiring and equipping housing for farm labor. This has come from the following sources:

- (a) Acquisition of 18 SRA and State Guard Camps;
- (b) Adaptation of county and district fair association buildings;
- (c) Leasing of three Japanese Assembly Camps at Stockton, Merced, and Tulare;
- (d) Purchase and loan of tents;
- (e) Use of available Guayule camps;
- (f) Purchase of a transient camp at Ryde;
- (g) Construction of wooden, demountable camps; and
- (h) Acquisition by purchase and by transfer from the SRA liquidation account, of mess gear, bedding facilities, and kitchen gear for outfitting these camps, plus that required by farmers, forced to replace on-farm workers with transients.

This housing program has required the council to establish procedure to determine the actual need for housing by farmers, the suitability of sites, the transportation of camps and equipment, the conversion of existing housing for farm labor use, recruit-



ment and training of an adequate staff for the operation and administration of camps, and to adopt regulations under which the State's interests will be fully protected at all times.

The council has sold some housing and much equipment, unobtainable elsewhere, directly to farmers, and at the same time has rented other housing and equipment to farmers and farm labor procurement associations. Through this program, the council has made housing available for approximately 40,000 farm workers, including regular seasonal workers, Mexican nationals, and German prisoners of war. Additional housing has been provided through acquisition of three CCC Camps which have been made available for use by farm groups.

One source of equipment has been that remaining from SRA and State Guard operations, and, as a result of these sales, the council has turned back to the SRA liquidation account up to March 1, 1945, a total of \$163,480.17.

To assist growers in early camp operations, the council provided commissary service the first year of its operation, serving 1,169,677 meals. It also maintained a pool of 4,033 Mexican national workers to aid smaller farm operators, these workers serving 913 different farmers and receiving \$2,090,178 in wages.

The transportation of camp buildings, equipment, workers, supplies, and farm products involved the operation of passenger equipment a total of 639,209 miles and freight equipment 895,066 miles the first year. Present operations involve about 75,000 to 80,000 miles for all vehicles per month, including the delivery of equipment, moving of camps, and emergency transportation of workers and farm products.

The council has aided farmers in their production problems in numerous other ways. It has campaigned vigorously for the Federal program providing for the importation of Mexican national farm workers and the operation of a statewide domestic labor recruitment and placement service, including the sending of a staff member to Washington, D. C. It has assisted farmers in obtaining priorities for scarce but necessary supplies and equipment. It has assisted in assembling data on farm labor requirements and resources. It has assisted in the recruitment of volunteer farm workers and in setting up harvest camps for them. It has assisted farmers in locating needed but scarce fertilizers and pest control materials and has supplied authentic current information concerning them. It has supplied grower groups with current information concerning available surplus Federal property and equipment, and has sought to have the Federal Government make available to farmers that which is most needed by them.

The council includes seven farm leaders representing the various branches of agriculture as follows: Chairman Frank M. Shay, San Jose, deciduous fruits; Vice Chairman George H. Wilson, Clarksburg, field crops; Loren Bamert, Ione, livestock; Joe Hart, Modesto, dairying; W. L. Smith, Buttonwillow, cotton; A. J. McFadden, Santa Ana, citrus fruits; and Camille A. Garnier, Puente, truck crops. W. B. Parker was director from April 26, 1943, to July 5, 1944. R. L. Adams has served as director since August 1, 1944.

#### Farm Placement in California—1915-1944

California was the first State to appropriate funds for a public employment service. This occurred in 1869, when the State Legislature voted financial assistance to the California Labor Exchange in San Francisco for a period of two years. No further attempt was made to organize a State employment service until 1915, when the California Legislature authorized the Labor Commissioner to establish a system of public employment exchanges. The State service was gradually expanded from 1915 to 1932, when there were 10 offices in operation. These offices were located in San Francisco, Oakland, Sacramento, Stockton, Fresno, Bakersfield, San Jose, Los Angeles, and San Diego. The State offices of that time were not well equipped to serve the commercial and service trades, but were chiefly concerned with industrial and agricultural labor.

The U. S. Employment Service was organized in January, 1918, as a unit of the U. S. Department of Labor. This organization was a wartime measure intended to assist in the recruitment of unskilled labor which was needed in the prosecution of World War I. After the termination of the war, Federal appropriations were reduced to the point where many functions of the USES had to be abandoned, and only a skeleton organization was maintained from 1920 to 1933. The USES during this period functioned primarily as a clearing house for employment information, standards and statistics, and to a limited extent for the interstate clearance of labor. The Farm Labor Division consisted chiefly of an advisory service to existing State employment exchanges.

The Wagner-Peyser Act of 1933 abolished the existing Federal Employment Service and set up a new USES as a bureau in the Department of Labor. The purpose of the act was to coordinate all public employment offices throughout the Nation. Funds were made available by this act, to be matched with State funds, for strengthening existing State services and providing Federal public employment offices to those counties and communities where no State offices existed. The 10 offices of the California employment exchanges participated in this program. Personnel was increased and office facilities were greatly improved by the aid of Federal funds.



In 1933 the Government established 53 Federal employment offices in California to supplement the State service. These offices were known as the National Reemployment Service. Both Federal and State employment offices were used during the depression years to qualify and place labor in the various Federal and State work relief projects and to assist in the general reemployment program.

Under the terms of the Wagner-Peyser Act farm placement supervisors were stationed in the States by the USES to assist the State Employment Services in the National Reemployment Service in farm placement functions. California was allotted a Federal farm placement supervisor and an assistant, who served in that capacity from approximately 1933 to 1940.

The California Unemployment Reserves Act of 1935 created a new State Department of Employment. The Division of State Employment Agencies was transferred from the Department of Industrial Relations to the new department on July 1, 1936. The State Department of Employment was composed of the Division of State Employment Agencies and the Division of Unemployment Insurance.

States were required to enter into cooperative agreements with the USES to obtain Federal funds provided by the Wagner-Peyser Act of 1933. Agreements were intended to insure Federal standards in the establishment and maintenance of a National system of public employment offices, and States agreed to provide various specified services. The agreement required the States to operate farm placement services. For this purpose, it was agreed that California would utilize the services of the USES Farm Placement Supervisor as a member of its administrative staff.

The State Department of Employment took over the National Reemployment Service in California toward the end of 1937 in preparation for the payment of unemployment insurance benefits which became due January 1, 1938. This action brought the public employment agencies into one State department and under State administration. The State system was expanded to approximately 80 full time offices and an additional number of seasonal and itinerant offices. Farm Placement continued to be a function in all offices and particularly in the agricultural areas.

In 1940 the State Department of Employment broke away from Federal supervision of the farm placement program (USES), and appointed its own Farm Placement Supervisor within the department. This was followed by similar action in other Pacific Coast States. The Farm Placement Program through 1940 and 1941 was administered by the State under minimum standards set by the Federal Social Security Board.

On January 1, 1942, all State employment services were transferred by presidential order to the USES as a war measure. Administration of the employment program was left with the Social Security Board until midsummer of that year, when it was placed with the newly formed War Manpower Commission. USES thus became the operating arm of WMC.

Farm placement continued to be a function of the USES through 1942 and into the year 1943. In January, 1943, Chairman Paul V. McNutt of the War Manpower Commission requested the Secretary of Agriculture to assume the responsibility for supplying labor for war production on farms. This was intended to consolidate functions previously divided between the USES and the Department of Agriculture.

Public Law No. 45, Seventy-eighth Congress, was passed in April, 1943, providing, among other things, that funds shall be available for payment to the various States for expenditure by the agricultural extension services for the recruiting, placement, and training of workers for the production and harvesting of agricultural commodities. The California Agricultural Extension Service accepted the responsibilities of farm placement under the terms of the act, and took immediate steps to organize the program which now serves this State. Approximately 125 farm labor offices were opened in June and July of 1943 in all counties of agricultural importance and have continued to serve to the present time.

Public Law No. 229, Seventy-eighth Congress, extended the Farm Placement Program through 1944 in essentially the same form as 1943.

#### War Food Administration

On March 25, 1943, President Franklin D. Roosevelt announced the appointment of a War Food Administrator. This announcement was made under the authority of the First War Powers Act of 1941 and provided that, in respect to labor and manpower, those powers heretofore vested in the Secretary of Agriculture by orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission are vested in the War Food Administrator.

The farm labor program within the War Food Administration was divided between the Agricultural Extension Service and the Office of Labor. The Agricultural Extension Service, by the terms of Public Law No. 45, was charged with the responsibility of the recruitment and placement of all domestic workers and with the certification of need for any supplemental foreign laborers.

The Office of Labor of the War Food Administration was designated as the organization which is responsible for the recruitment and transportation of all foreign workers and for the care of these workers while they are in the United States.

The Office of Labor is also responsible for negotiating all contracts for the employment of foreign workers and is the government agency which enforces these contracts. It follows that in California the Agricultural Extension Service is responsible for taking the orders for all Mexican nationals and for the placement of these workers with agricultural employers.

The Office of Labor, War Food Administration, is responsible for the recruitment and transportation of the workers and for enforcement of the contracts.

Approximately 4,000 Mexican nationals were used in this State in the late months of 1942. At the peak of the season in 1943, about 26,000 nationals were used, and 35,400 at the peak of the season in 1944.

There were approximately 24,000 Mexican nationals in California as of April 1, 1943. The War Food Administrator has set a tentative quota of 33,000 Mexican nationals for California in 1945. Requests for Mexican workers have increased each year until it is anticipated that orders will be filed for at least 72,000 nationals for work in September 1945.

A statistical report on the care of Mexican nationals on California farms is made a part of the Appendix.

#### **Supply of Itinerant Workers**

California agriculture has always been dependent upon great numbers of itinerant workers. Highly specialized crops grown in areas which are not adjacent to great population will continue to need these seasonal workers for the harvest period.

The free movement of itinerant seasonal workers has been made more difficult by gasoline and tire shortages, various types of rationing, resulting from the war. Relief from these shortages may be expected to directly affect the supply of itinerant farm workers.

Special consideration is given to agricultural workers by rationing boards of the Office of Price Administration but shortage and regulations continue to be a limitation to free movement of thousands of these important workers.

#### **Increasing Importance of Farm Housing as Related to Farm Labor**

The critical farm labor shortage caused by the war has been greatly relieved by the Mexican nationals program. The importation of Mexicans has likewise resulted in the construction of considerable farm labor housing for groups of single men all over the State. Areas which customarily have used family type labor will probably find it necessary in the postwar period to convert their housing facilities to accommodate single workers.

Areas which have customarily used single workers in the prewar era have likewise expanded group housing facilities which they will undoubtedly wish to convert to family housing after the war.

Employers have indicated quite generally that a much more satisfactory labor program can be built on a basis of a combination of single workers and family workers and that any program which is dependent entirely upon one source of labor only is unsatisfactory and subject to serious weakness or uncertainties.

California agriculture should continue to expand its on-farm housing facilities with the end of the war when materials become available for construction and repair. This family type housing may be supplied in part through the use of portable or knock-down houses now used for war production workers. It is to be hoped that these surplus houses may be diverted to agriculture rather than destroyed as of no further value.

Great numbers of industrial workers who have come into California to work in the shipyards, airplane factories and in other war industries and who may wish to remain in California after the war to engage in farm work, will have to be provided with necessary housing facilities if they are to be induced to remain.

State agencies should be considering simple plans and specifications for farm housing to assist farmers in the postwar housing program, utilizing insofar as possible the surpluses which may become available. These plans should cover the several types of housing necessary to accommodate farm labor and should call for simple construction.

#### **Mexican Nationals**

(See remarks under War Food Administration)

They must be paid the prevailing wage rates in the area.

They may not be used to displace domestic workers.

They must be worked under contracts between the United States Government and the employer, and under individual worker contracts with the United States Government.

The employer of Mexican nationals must provide free housing and boarding facilities.

The employer must guarantee at least 75 per cent employment for the term of the contract. The employer must provide free board for any days not employed.

Transportation from Mexico or for transfer between employers within the State is furnished by the Federal Government.

Wages must be paid at regular intervals. An amount equal to 10 per cent of the wages is withheld for deposit to the worker's account when he returns to Mexico. The 10 per cent deduction is turned over to the Office of Labor for transmission to Mexico

for deposit with banks designated by the Mexican Government. The worker recovers the money when he returns to his home community.

Mexican workers have been generally very satisfactory and are in great demand. They are well adapted to stoop crops for which it is difficult to recruit and hold other types of laborers.

#### **Farm Labor Associations**

Numerous farm labor associations have been organized in California since the start of the war to employ Mexican nationals, prisoners of war, and other types of farm laborers.

Such organizations were necessary at the beginning of the foreign labor program for the reason that the government required minimum contract of employment for not less than 100 workers. Smaller employers consequently formed associations for their cooperative use of this labor.

Farm labor associations range in size from comparatively small groups which serve a limited area to larger groups which serve as many as nine or ten counties. Some associations have been formed as commodity groups, such as, the citrus growers, tomato growers, and the sugar beet growers. Other associations represent a wide diversity of agricultural production and are so organized as to use labor throughout the year.

Some associations have arranged to house and feed their foreign labor in camps which accommodate as many as several hundred workers. Other groups contract for the workers cooperatively but house and feed them on the individual farms. The California Farm Production Council provides extensive facilities for group housing on a rental basis for farm labor associations. This has been a very important factor in the success of the farm labor program in this State. A number of the farm labor associations would have found it impossible to take advantage of the farm labor program had it not been for the assistance of the California Farm Production Council.

Farm labor associations have been organized under various plans which vary from voluntary, informal groups, to the highly organized incorporated associations. They have contracted a relatively few number of workers in some instances and in other instances for as many as several thousand workers.

One of the larger farm labor associations which includes the production of a great diversity of crops is organized on the basis of county units. The chairman of each county unit is a member of the board of directors of the central association which administers and coordinates the program over a large area.

Farm labor associations have spent hundreds of thousands of dollars of their own money to build camps and provide other accommodations for farm workers. These associations have been very successful throughout the State and may be expected to be continued to a considerable extent after the war. Their permanent housing will undoubtedly be made available to domestic farm workers after the need for foreign workers has passed.

Farm labor associations have demonstrated the value of the cooperative use of farm labor and their activities have led to work programs which have furnished more continuity of employment than formerly existed. The work planning made necessary by the overall shortage and the foreign labor contracts will be permanently beneficial in the postwar period.

#### **Farm Workers from the Philippine Islands**

In view of the limitations of the Mexican labor program this year, California employers and the agencies interested in the farm labor program are inquiring into the possibilities of obtaining labor from the Philippine Islands. These workers, if available, would probably be brought in by the Government on a contract basis for a specified period.

It is to be hoped that the Government of the United States and that of the Philippine Commonwealth can approve of such a program and that workers may be available for the remaining months of the war, and as long thereafter as necessary.

Arrangements would also be necessary with the Army to provide the needed transportation facilities.

#### **Foreign Labor Program**

All foreign labor used on California farms up to the date of this report has been obtained from the Republic of Mexico. It is anticipated that some Jamaicans also will be available to farmers of this State during the later months of 1945. These colored workers are British subjects who work under contracts similar to those governing the use of Mexican nationals.

#### **Prisoners of War**

Prisoners of war were first used in California agriculture in the vicinity of Blythe, Riverside County, where 150 Italians were made available to pick long staple cotton in December 1943. An additional 500 Italian prisoners were provided by the army to pick citrus fruits near Cucamonga, San Bernardino County, in the early months of 1944, but were later withdrawn as the status of Italian prisoners changed with the progress of war.



After the invasion and liberation of Italy by the Allied forces, Italian prisoners were offered the option of becoming cobelligerents and volunteering for labor battalions to engage in work for the Army, or to remain as prisoners of war.

Many Italians volunteered for the labor battalions and were consequently withdrawn from farm labor programs under the direction of the Army. They worked in various military establishments.

About 400 Italian prisoners were also available for a short period for agricultural work in the vicinity of Tulelake, Siskiyou County, in the spring of 1944.

German prisoners have been made available to replace the Italians wherever they are needed and where working conditions are suitable and the necessary arrangements can be made.

About 6,500 Germans were used in the later harvests of 1944 to harvest a wide variety of California crops. Several hundred were used in the fall potato harvest in Tulelake and more than 3,000 Germans were used in the San Joaquin Valley in the late cotton harvest. The remaining 2,500 were engaged in miscellaneous vegetable harvests and the citrus industry.

Plans are being made to use about 15,000 German prisoners of war during the 1945 California agricultural season. This allocation has been made by the army against an estimated need for 26,000. However, to accommodate more than 15,000 prisoners, additional agricultural worker housing would have to be provided.

There are approximately 3,750 German prisoners of war working on California farms as of April 1, 1945. Fifteen additional branch camps for prisoners of war have been approved by the Army and will provide about 4,500 more prisoners for farm work in the spring and early summer.

Prisoners of war are made available by the Army for branch camps which will house a minimum of 250 men. Housing facilities for at least 250 men must be provided by the employer and a contract of employment must be entered into between the Army and the farmer, or farm association.

Prisoners can not be used under conditions which will displace available American workers, and prisoners are only available under a certification of need by the Agricultural Extension Service.

Prisoners of war can not be used to depress wages. All contractors are required to pay the Army for prisoner of war labor at prevailing wage rates for agricultural work.

Under the terms of the Geneva Convention, prisoners of war receive wages from the Army at the rate of 80 cents per day for satisfactory work. This wage can be increased to a maximum of \$1.20 a day in the form of bonuses given for performance above the average standard. Wages are paid to the prisoners in the form of credits which can be used to purchase small articles or supplies from the camp post exchange. No wages are paid in cash.

Prisoners can be required to work by orders from the Army and are not necessarily used on a voluntary basis. They must work or be disciplined in accordance with the Geneva Convention. Commissioned officers are exempt from the compulsory work provisions.

Prisoners can only be used in squads averaging 20 men and must be kept under continual observation and military guard. They can not be paroled to individual employers to live and work on farms. They must be transported daily from the main camp or a branch camp to the work and be returned each night to the camps.

Prisoners of war can be worked the average work day in the community but not to exceed 12 hours daily, six days a week.

Farmers are required to provide transportation facilities for the daily work and are responsible for the supervision of the work.

Some of the transportation and housing expenses are reimbursed to the employers by the Army.

Quality of work performed has been universally excellent, many employers reporting that the work has been done more carefully and thoroughly than by any other type of labor. The quantity of work is below the average of free workers, probably because the lack of wage incentive and some resentment over the fact that they are forced to work under military orders.

Prisoner of war labor is usually paid for on piece work rates and their successful employment depends largely on this method of wage payment. This method of payment is probably the only way that prisoners can be used successfully in California agriculture.

It is assumed that prisoners of war will be available throughout the harvest year of 1945 although the Army can cancel all contracts on ten days written notice.

Prisoners of war in California are under the authority of the Ninth Service Command of the U. S. Army which Command has been extremely cooperative and interested in the success of the entire program.

More than 40 prisoners of war camps have been requested by California farm labor employers for the 1945 season. Twenty-eight such camps are in operation or will be soon. Several camps are for as many as 500 men, and one large camp in Southern California accommodates about 1,000 prisoners.



### Inroads of the Draft on Farm Labor

Drafting of farm workers for the military forces occurred in larger numbers during the earlier years of the war than at present. However, recent draft requirements have resulted in the loss of certain key men; such as, milkers, farm foremen, and superintendents, which were particularly needed in the production program.

Recent draft activities have perhaps not affected California as adversely as they have some other States because of the relatively few farm labor deferments made in this State.

### Farm Placement of Veterans

Farm labor offices of the Agricultural Extension Service are cooperating with the Selective Service System and other governmental agencies in obtaining farm jobs for returning veterans. Veterans inquiring at local draft boards are being referred to the Farm Placement offices for job information and referrals to agricultural employers.

### Increased Use of Machines in Agricultural Harvests

Increase mechanization in certain types of harvest is very apparent. The sugar beet industry is becoming more and more mechanized with the development of devices which lift, top, and load sugar beets and which save untold numbers of workers formerly engaged in stoop labor.

The hop industry is likewise becoming increasingly mechanized, thus eliminating the need for great numbers of seasonal workers. It is estimated that as much as 90 per cent of the hop harvest in certain producing areas is now accomplished by mechanical picking. Cotton picking may also be handled by machines.

Mechanical tree shakers have greatly relieved the labor problem in certain types of tree and nut crops. Simple attachments made to the ordinary farm tractor are used for shaking the fruit or nuts, particularly prunes and walnuts.

Machines for handling hay have been greatly improved and include devices for automatic loading from the field.

Mechanical devices will probably be developed to a much greater extent in the postwar period to relieve the stoop labor problem which has always been serious even in normal times in California agriculture.

It is probable that many of the inventions necessitated by war may be adapted to many farm uses and increase the efficiency of farm labor many fold.

### General Conclusions and Recommendations

The committee finds the evidence supports these conclusions:

1. The farmers and food processors of California have performed remarkably well, almost heroically, under the most difficult of handicaps in the strained conditions of the war years, many of the difficulties and handicaps being unnecessary and inexcusable. Our growers and processors are entitled to the highest credit. The share of California agriculture in the victory will be formidable, unsurpassed by any State.

2. Time has proved that California acted wisely in establishing its own "stand by" system (Food and Fiber Act-California Farm Production Council) for the recruiting of farm labor at a time when the future of Federal efforts along that line were uncertain and before the Agricultural Extension Service had been designated to administer the program in California. The Council is performing useful and needful work and is well liked by farmers.

3. The Legislature should begin prompt inquiries as to the future of farm labor procurement in California, should the present working relationship between the United States Department of Agriculture and the Agricultural Extension Service cease when the Japanese are conquered. The Extension Service has done a remarkably good job of recruiting farm labor. The Office of Labor of the War Food Administration has operated efficiently regarding importation of Mexican citizens. A special recommendation on this subject is made a part of the report.

4. No one knows how the impact of total peace or victory over Germany alone will affect agriculture and the farm labor situation in California. This is the \$64 question.

5. In agriculture, transition from a wartime basis to a peacetime basis could force vast changes in the operating and financial status of farming and food processing. Such a change has many puzzling aspects.

6. The war has enabled many more farmers to see more clearly their responsibility toward their farm laborers, particularly regarding opportunities for housing. They have wisely invested large sums to augment or extend housing facilities for workers.

7. Portable or demountable housing erected by the government for the use of war workers should not be destroyed or moved overseas until the farmers and food processors of this State and Nation have had a reasonable opportunity to purchase, long-time lease, or otherwise acquire such housing for the use of the workers who will produce, harvest and preserve our crops in peacetime. Vast surpluses of military equipment, much of which can be used on farms, should be made available at first

option for purchase by farmers at fair prices in open markets. Farmers should not be required to pay sky rocket profits to second-hand dealers or speculators for materials bought with the people's money for war.

8. After the war, sooner if possible, the Nation and the State should return to natural time. The present wartime daylight saving is a distinct handicap in farming operations. Nature didn't plan it that way. The testimony of farmers on this point is clear and decisive.

9. The annual importation of foreign workers, although successful and well-operated in recent years, is not the complete answer to the farm labor program in California. Surely in peacetime, we must eventually shape up agriculture so that only a very minimum of transient outside help will be necessary to be brought into the State each harvest season. As far as possible, farmers should strive to provide year-around work and year-around housing, planning their work in off seasons to make it go as far as possible. Good results along these sound cooperative lines have been obtained by our patriotic farmers during the war years. The cooperative use of Mexican Nationals has shown the way.

10. Farm machinery has been a bottleneck throughout the war period. It is directly related to the farm labor problem. Farmers have patched up their machines about as much as they can be patched. They have continued wondrous makeshifts and temporized, for they are ingenious. However, California's vast agricultural empire cannot be operated on run-down, worn out, beg or borrow farm machinery. The government, mindful of its wartime muddling, should make adequate farm machinery available at the very earliest moment, and at reasonable purchase prices. The remarks of President H. S. Truman on this subject are pertinent.

11. Farmers wish they knew what effect vast wartime food surpluses will have on their immediate peacetime farming operations. Is there going to be so much food and fiber bulging in the warehouses that new production will not be necessary? How far shall we go in feeding and clothing the people in the liberated or conquered countries? Will even larger crops be necessary and more farm workers employed?

12. Farmers wish they knew now what will be the level of farm wage rates after the war.

13. Farmers wish they knew what will happen to farm land prices, at present very high in most parts of California.

14. Farmers wish they knew what effect labor saving machinery is going to have on their operations and costs after the war and how far and how well wartime inventions, materials, and formulas (jeeps, quick-freezing, DDT) can be adapted to peacetime farming.

15. Farmers wish they knew now whether they can expect a brisk foreign trade demand for their products after the war. What is the future of sugar beet farming, for instance, and its attendant labor problems?

16. Farmers long for the cessation of government "directives" and long-distance "alphabetical manipulation" of their operations. They yearn for a minimum of "orders" affecting nearly everything they plan or need to do.

17. Nearly everything that affects agriculture affects farm labor, for good or ill. Successful agriculture cannot be separated from a sufficiency of agricultural labor. The extent and welfare of one depends upon the extent and welfare of the other.

18. The committee wishes to express to the President of the Republic of Mexico, His Excellency, Avila Comacho, and to the other officials of our Good Neighbor Republic, the thanks of the State of California and particularly its vast agricultural industry for a truly inspiring example of Good Neighborliness and United Nations Solidarity in sending thousands of workers to California to help harvest our "Food for Victory."

#### Special Recommendation

We, your committee, make the following special recommendation for the consideration of the Senate:

##### *The Future of Farm Labor Recruiting in California*

The Senate and California citizens should begin to consider the labor needs of agriculture in the postwar period. This consideration should probably be based on three general questions:

1. Will there be a need for a State farm placement program after the war?
2. If there is to be a farm placement program in the postwar period, should it be administered by a State agency, by a Federal agency, or by a State and Federal agency working in cooperation?
3. If there is to be a farm placement program in the postwar period, should it be integrated with a general over-all placement program or should it be maintained as a separate and distinct program?

*Conclusions*

Experience gained in the war years would indicate that the most effective farm placement program can be obtained from a separate and distinct farm placement service administered by State authority but financed from Federal funds. This plan, if adopted, could mean a continuation of the present satisfactory farm labor program into the postwar era under the direction of the Agricultural Extension Service.

However, it is probable that the University authorities may not wish to retain direction of the farm labor program and in that event other arrangements for its continuance would have to be made. The work of the Extension Service is primarily educational.

The administration of a farm labor program in California supported by Federal funds would continue to be dependent on the restrictions contained within the Federal legislation. While the legislation might designate the Agricultural Extension Service to administer the farm labor program, there would still be required the concurrence of The Board of Regents of the University of California in accepting the responsibility.

If Federal funds were not to be provided for the continuation of a farm placement program, the alternative would be a State appropriation for a program administered by some designated State agency.

It is a certainty that if the Federal Government should return to the unsatisfactory prewar system of recruiting industrial and farm labor simultaneously through the same offices and same personnel, the State of California might find it wise and proper to set up and finance an entirely independent farm placement service, free from all Federal policies. Experience has taught that lesson.

The study of this problem should be immediately undertaken so that the State may be prepared through well planned action to meet any emergency that might be faced in the difficult postwar period and to avoid the mistakes of the past.

If the farm placement service should be administered by the State of California, it might be directed by:

1. Agricultural Extension Service
2. State Department of Employment
3. Reconstruction and Reemployment Commission
4. State Department of Agriculture
5. Or an entirely new agency separately financed by special legislation.

Exhibit material is included within the Appendix.

Respectfully submitted.

(Signed)

SENATOR GEORGE HATFIELD, Chairman

SENATOR BRADFORD S. CRITTENDEN

ASSEMBLYMAN HARVEY E. HASTAIN, Vice Chairman

ASSEMBLYMAN LLOYD LOWREY, Vice Chairman

ASSEMBLYMAN THOMAS M. ERWIN, Vice Chairman

ASSEMBLYMAN JOHN F. THOMPSON

ASSEMBLYMAN LEE BASHORE \*

Done in Sacramento, California, this fourth day of May, 1945.

Exhibit

(Summarized testimony of hearing  
2/11/43)

**A Summary of Growers', Managers of Production Associations', Public Officials', and Others' Testimony Before The Joint Legislative Fact-Finding Committee on Agriculture and Industrial Labor Appointed by the California Legislature**

The first hearing was held in the State Building, Los Angeles, Thursday, February 11, 1943.

Present were: Senator George Hatfield, Chairman; Assemblyman Harvey E. Hastain, Vice Chairman; Senator Bradford S. Crittenden; Assemblyman Lee Bashore; Assemblyman Lloyd Lowrey; Sidney Weinstock, Legislative Counsel.

\* Deceased.



Witnesses on February 11, 1943, included the following :

Wilson, R. N.	Director, Agricultural Department, California State Chamber of Commerce, 18 years	San Francisco, Calif.
Dueul, J. E.	Director, Utilities Department, California Farm Bureau Federation	Berkeley, Calif.
Robinson, C. W.	Farmer, Orange Grower, 20 acres	Riviera, Calif.
Walsh, H. A.	Farmer, alfalfa and cotton 100 acres	Palos Verde Valley, Calif.
Blatz, C. P.	Packing house manager, Los Angeles; lemon and grapefruit grower, San Bernardino County	Los Angeles, Calif.
De Martini, Louis F.	Vegetable grower, 66 crop acres	Compton, Calif.
Van Mouwerick, George	Dairyman, 400 stock	Redlands, Calif.
Butler, J. P.	Vegetable and fruit grower, 1,000 acres	Los Angeles, Calif.
McFadden, A. J.	Farmer, growing oranges, lemons, persimmons, 30 years	Santa Ana, Calif.
Cecil, W. J.	Director, California State Department of Agriculture	Sacramento, Calif.

SUMMARIZED TESTIMONY OF R. N. WILSON, DIRECTOR OF THE STATE CHAMBER  
OF COMMERCE, SAN FRANCISCO, CALIFORNIA

Opening the hearing, Chairman Hatfield stated: \* \* \* "The committee will proceed with the witnesses who have been requested to appear to testify in the matter of agricultural labor shortage."

The first witness called was R. N. Wilson, Director of the Agricultural Department, California State Chamber of Commerce, for 18 years, who had prepared a history of the activities of the various Federal and State agencies in the matter of agricultural labor shortage.

The witness stated that since last August he was chairman of the State Committee, an Agricultural War Manpower Committee which had to do with these respective matters under consideration, and gave a prepared summary :

*"The Farm Labor Problem in California*

"The growth and development of the system of Public Employment Offices in California involves both State and Federal agencies, and developments on both levels must be followed in order to learn the background of the situation in 1943.

"Largely as a result of the serious unemployment which occurred in California during 1914, the State Legislature directed the Commissioner of Labor Statistics in the State Department of Industrial Relations to establish free employment offices in the four principal California cities, and in such others as circumstances warranted. Offices were opened in 1916 under the terms of this legislation.

"The United States Employment Service was established as a division in the U. S. Department of Labor by congressional action in 1917. Beginning in January, 1918, offices were rapidly established in most of the States until in 1919 more than 854 offices were operating in 40 States. The system was entirely supported by direct congressional appropriations.

"The California State Employment Service during World War I greatly enlarged its activities and entered into cooperative agreement with the U. S. Employment Service. After the war, however, Congress cut the appropriations of the Federal system to such an extent that only a skeleton organization was left, principally consisting of the Farm Placement Service and the Veterans' Placement Service. The California system continued to operate from 12-15 offices in the larger cities and maintain some contact with the Federal system.

"The Federal system was brought to life by the enactment of the Wagner-Peyser Act on January 6, 1933. This act appropriated funds for the reestablishment of the U. S. Employment Service in the Department of Labor, having made available funds on a matching basis to States which accepted the terms of the act and established or maintained public employment offices in accordance with its provisions. During the period from 1933-36 the Federal system was more commonly known as the National Reemployment Service. During the period 1933-35 more than 40 NRS offices were established in California in smaller cities and counties; the State Employment Service continued to operate offices in the larger cities.

"California accepted the terms of the Wagner-Peyser Act in 1935, but the Unemployment Insurance Act, adopted in the same year, transferred the State Employment Service from the Department of Industrial Relations to the newly created Department of Employment as of July 1, 1936. All of the local offices of the NRS were consolidated with the California State Employment Service at the same time.



"Beginning in 1938 the Social Security Board made outright grants to California for carrying on the public employment offices, and the total of these grants far exceeded the sums made available under both Federal and State Wagner-Peyser appropriations.

"The State Employment Service continued on this basis until 1942.

"In the meantime, the U. S. Employment Service was transferred from the Department of Labor to the Social Security Board by executive order of the President in 1940. On December 19, 1941, the President, by virtue of an executive order, transferred all the State Employment Service offices to the U. S. Employment Service, effective January 1, 1942, and called upon the Governors of all of the States to take appropriate action. Governor Olson transmitted this request to the California Employment Commission, which acted by resolution to transfer all property and records of the State system to the Federal service, and all of the employment positions in the Department of Employment were abolished as of January 1, 1942.

"On April 18, 1942, President Roosevelt created by executive order the War Manpower Commission. The Employment Service was left for the time being in the Social Security Board, but its director was also made Director of the Bureau of Employment in the War Manpower Commission. On September 17, 1942, the U. S. Employment Service was formally transferred to the War Manpower Commission by executive order of the President—where it now remains."

Question: " \* \* \* since January, 1942, there have been no State agencies authorized by law to actually locate or place labor of any kind, agricultural or industrial?"

Witness: "That is right."

Question: "And since that date the recruiting and the placement of all labor has been a Federal function under the U. S. Employment Service?"

Witness: "That is right."

Question: "And the U. S. Employment Service has been under the War Manpower since \* \* \*"

Witness: "April 18, 1942 \* \* \* the date the War Manpower was established."

Further questions brought out that the Federal employment offices advertised in rural sections for employees for industrial sections, thereby draining manpower from agricultural sections.

Question: "Do you know of any method that we, as legislators, can approach to discontinue that policy?"

Witness: "Well, the officials have promised that they were going to do that. That they were not going to do that, I should say. I think that since some of these promises were made, however, there still has continued the practice in certain areas."

Question: "Do you find your Employment Service of the Federal Government assisting agriculture in urging that these workers stay in agriculture, if they are employed there, rather than leaving the agricultural districts to go into industry?"

Witness: "Well, I think both things are going on. They are trying to assist agriculture, but at the same time they have permitted these advertisements in rural areas, which would have an effect of pulling away men from agricultural employment."

Question: " \* \* \* supposing agriculture itself, agriculturists would place their employees under Unemployment Insurance, which they are permitted to do under the present State law, do you think that would have a tendency to keep the regular agricultural employees better satisfied, or that is to stay on the ranch rather than go into industry?"

Witness: "I have a personal opinion about that and that is 'No.' I don't think it would make any difference.

Senator Crittenden asked what the witness thought was in regard to this turnover from the State having supervision of these employment agencies to the Federal Government, to which the witness stated he had some recommendations one of which touched that point.

Witness (continuing the history): "Next is the Land Use Planning Committees. Committees were originally formulated in the summer of 1939 under the authority of the United States Bureau of Agricultural Economics in cooperation with the Extension Service. Early in 1941 it seemed desirable to organize Agricultural Subcommittees in all principal agricultural counties. Appropriations were exhausted on June 30, 1942, and the county committees, to a considerable extent, merged with War Board Committees later. That is a very short statement about some rather important committees.

Questions developed the fact that these local agricultural committees in the various counties were voluntary organizations without any funds of any kind and those funds exhausted were the expenses of the top organization.

Witness (continuing the history): "On July 5, 1941—I have here, if you care for it, the directive—the Secretary of Agriculture issued a directive establishing USDA Defense Boards in each State and each County. The purpose of the Boards was to expedite and coordinate in the field administration of the activities carried on by the USDA in furtherance of National Defense.

On December 8, 1941, the name was changed to USDA War Board.

The boards are composed of representatives of the various agencies of the USDA, and the chairman in each instance is a representative of AAA.

The county committees in many instances merged with the Agricultural Subcommittees of the Land Use Planning Committees. After December 7, 1941, the name was changed to USDA War Boards, which name still remains in effect."

Questions brought out that the USDA War Board was strictly a U. S. Department of Agriculture organization, paid employees, and that the subcommittee on labor was a voluntary group of farmers and others working without funds, except for expenses of certain representatives of farmers who advised the labor subcommittees. The witness pointed out that State committee which had funds constituted one representative appointed by each of the Department of Agriculture agencies within the State; Forestry Service appointed one, Extension Service appointed one, Bureau of Agricultural Economics and the Farm Security one, etc.

Witness (continuing history): "Resettlement Administration. All right, the next is the Resettlement Administration. I have made this very brief and I will read it. I am sure you will have supplemental material.

"The Resettlement Administration was established by Executive Order of the President April 30, 1935. It was transferred and set up as the Farm Security Administration within the USDA by Executive Order of the President December 31, 1936. I am not able to find out the exact date of the establishment of the first camp; one report says 1936, and another indicates that the first camp was started late in 1935. There is presently a total of 95 camps; 41 of which are permanent, 49 are mobile and five are light construction. This means that they can really be considered permanent camps, although their construction differs from the permanent ones, and some of their facilities are movable. These light construction camps are all in the East. California has 13 permanent camps and six mobile ones. There may, at the moment, be fewer than six in use; the policy is to release them from storage as needed; six is the average number in use at all times."

Assemblyman Hastain: " \* \* \* Do these war boards concern themselves with manpower or the labor situation, labor problems or do they cover other fields within the Agriculture Department?"

Witness: "Oh, yes, they do. They have."

The witness continued: "*Official agencies dealing with farm labor in 1942.*"

"Many important changes took place during 1942 within governmental agencies. As before noted, on January 1, 1942, the USES took over the California State Employment Service. Following much controversy between agriculture and the USES, the so-called committee of 36 was appointed early in the summer as an advisory group to the USES. This committee met three times—but was not called into session after the beginning of the peak labor demands of late summer and fall.

"Following the National plan of employer-employee advisory committees, Mr. William Darsie of Walnut Grove, Chairman of the Committee of Thirty-six, was appointed as one of the employee representatives for the Western Region, and Mr. A. J. McFadden of Santa Ana represented agriculture for the employers' group in the Southern California area.

"The War Manpower Commission came into being on April 18, 1942. Officials of the agency in August set up our State, six area, and 38 county agricultural war manpower committees. Which, incidentally, were the only ones in the United States, a sort of a guinea-pig operation out here.

"I want to give this to you, Senator, the set-up of the respective agricultural war manpower committees.

"To go back, officials of this agency, war manpower, in August set up our State, six area, and 38 county agricultural war manpower committees. You have those before you.

"In September the USES became a part of the War Manpower Commission, with which it had already been cooperating closely.

"Commenting upon the above developments, the following opinions may be expressed. Mr. Darsie and Mr. McFadden rendered a very fine service to agriculture through their advice to the regional and area committees, of which they were a part. The Committee of Thirty-six rendered a temporary service by providing a safety valve for criticism of agriculture directed toward official agencies. However, the Committee of Thirty-six and an executive committee (which was never designated) should have continued to be active during the peak labor period. Because of this lack of contact, much of the original progress of the committee was lost. In other words, they created a fine agency there but didn't follow through.

"The Agricultural War Manpower Committees were the only ones of their kind throughout the Nation, and rendered an excellent service. The county committees met regularly each week on Monday or Tuesday during the season of peak labor demands. The area committee during the same period met every Wednesday to consider the recommendations of the county committees. The State committee or its executive committee met every Thursday to review recommendations of the area committees.

"Although these agricultural war manpower committees clarified many problems, their effectiveness was seriously hampered by two things:

(1) The committees were never given a definite outline as to their scope and authority although this was requested on several occasions. For this reason, some

of the committees were dealing with wage and hour negotiations and other matters entirely outside of the original intent, and

(2) On the majority of the problems which the California Agricultural War Manpower Committee referred to the War Manpower Commission, only a perfunctory reply was received or no response at all. Although there may have been good and sufficient reasons for this attitude on the part of the War Manpower Commission, it seriously crippled the effectiveness and prestige of the agricultural war manpower committees.

"War Manpower Commission on a National level was composed of Mr. McNutt and nine Government officials: Secretary of War, Secretary of Navy, Secretary of Agriculture, Secretary of Labor, and so forth?

"Then on a National level there was assisting, or advising with Mr. McNutt, a War Manpower Committee, composed of four or five representatives of labor and four or five representatives of Industry, and one representative of Agriculture up until very recently when Mr. O'Neil, who represented the American Farm Bureau Federation, was given a colleague, Mr. Patton of the Farmers Union.

"In other words, until very recently the set-up was four or five of labor, four or five of industry and one of farming, and it is now two of agriculture. Then on a regional level, Mr. Hopkins, William K. Hopkins was made regional director which region embraced the three Pacific Coast States and two or three Mountain States."

Questions brought out that this involved five States, and a regional committee was appointed embracing all these States. That advisory committee again was composed of five representatives of labor and four of industry and one of agriculture, Mr. Darcey, who was one of five representatives of the employers. Two area committees were created, one south of the Tehachapi and the other San Francisco Bay Area.

Witness: "There was no agriculture representative in the case."

Question: "Then the balance of the State was just a bunch of orphans without any organization?"

Witness: "That is about right."

Question: "Then on top of that we superimposed another organization, of which I think you were the State Chairman of the State Committee?"

Witness: "That is right."

Questions revealed that then the State was divided into six districts using the same set-up as the State Chamber of Commerce and in each instance the chairman of that district set-up was the District Director of the State Chamber of Commerce in that particular district, and that designation came as a surprise to the witness "It apparently was a request to handle the thing because we had manpower available, because we threw those fellows into the service."

The witness acknowledged that the State Chamber of Commerce was drafted by Mr. Hopkins and it tried to do the job to the best of its ability, receiving no Government aid or compensation, having been done on a voluntary basis with monies supplied by the State Chamber of Commerce. Not even Government stationery was available.

Further discussion ensued concerning formation of committees. The witness elaborated: "We had the State and the area and the county war manpower agricultural committees and they, when they were organized, the county committees were told that wherever there was a strong agricultural war board committee, to take that over and to make the chairman the chairman of that. It so happened in this committee that it was a hang-over of the old labor Subcommittee of Land Use Planning, and they still had and have an excellent committee. So that was the committee that was taken over in this particular county and they have done a swell job all the way through, excellent. But then they were made an agricultural war manpower committee and have functioned ever since as such.

There were certain counties, and Ventura is one of them, where they wouldn't take anything and they organized their own Agricultural War Manpower Committee, and neither would they take a labor representative on their committee."

Discussion brought out that the Mr. Hopkins suggested a representative of Union labor be added to the Agricultural Labor Committee. Some rural counties refused to do this. The agricultural war manpower committees never found out how they related to the so-called area committees, or to whom they were responsible and what they could do.

Asked what ultimately happened to this set-up the witness replied: "Well, the thing that ultimately happened was the War Manpower Commission directive No. 17 that I have here. You probably have copies of that. It just recently transferred this whole thing to the Secretary of Agriculture. Of course, that wiped out this whole set-up, just completely eliminated that."

Chairman Hatfield: "In other words, this directive \* \* \* take the recruiting and the placement of agricultural labor out of War Manpower and puts it under the Department of Agriculture?" . . . out of the U. S. E. S. There is a specific direction in there that it will cooperate closely with the U. S. E. S. in order that the total labor requirement for agricultural and other production will be served as efficiently as possible from a common labor pool. Is it your understanding that the



effect of that is to take the recruiting and the placement of agricultural labor from U. S. E. S. and placing it in some new agency; is that your interpretation?"

Witness: " \* \* \* I have talked to quite a number of the agencies under the Department of Agriculture, none of which know where lightning may strike, but it may be either one of the present agencies, which would be the Extension Service, the Farm Security Administration, or the War Board, or a new agency."

Question: "In other words, on the eleventh of February, 1943, as far as we know out here in California, we don't know who is going to handle the recruitment and placement of agricultural labor in the State of California?"

Witness: "Exactly. And it is very important we know pretty soon."

Question: "Might we solve the manpower shortage by abolishing about 90 per cent of the agencies and letting those fellows get out and go to work?"

Witness: "I couldn't quite answer that but I think it is worth pursuing. I don't know what the statistics are."

Asked which agency he contacted, Chairman Hatfield stated: "So far as the farmers out in the field are concerned today, we have got to wait until somebody back in Washington issues a new directive telling us what the last directive means. That is about right?"

Witness: "That is right. We need a clarification of it before we can do anything. In the meantime the county committees, the area committees and the State committees are all out. For the moment we are just floating."

Discussion in the testimony brought out that these Commissions had no power to attract labor to agricultural work, but were merely advisory.

#### *The attitude of farmers up to 1942*

Witness: "A brief review of some of the factors which have influenced the farmers' trends of thought and action may be helpful, and are noted as follows: (1) Publication of *Grapes of Wrath* by John Steinbeck was a gross distortion of the attitude and practices of California farmers in relation to labor; (2) the books *Factories in the Field* and *Ill Fares the Land*, written while on the taxpayers' pay roll by Carey McWilliams, left-wing Chief of the Division of Immigration and Housing, were even greater distortions of the facts; (3) the hearings of the so-called LaFollette Committee were so patently maneuvered in the interests of the opponents of farmers as to create wide distrust within agriculture—some of the testimony of governmental agencies supposedly created to assist agriculture were particularly revealing; and (4) important governmental agencies dealing vitally with agricultural problems were unsympathetic or hostile to farmers' interests and philosophy."

"State: In the matter of unemployment insurance, the California Employment Commission has made every effort to thwart agriculture's contention that State requirements should parallel those of the Federal Government. The Division of Immigration and Housing under Carey McWilliams continually made every effort to discredit our present agricultural economy before governors' conferences, committee hearings, etc."

"Wage boards appointed by the Governor to determine wage scales for cotton were so far out of line as to be ridiculous."

"The State Department of Employment, when it was an independent agency, accepted the program of the United States Department of Labor in regard to labor disputes and employment referrals during strikes."

"The Farm Security Administration has carried on its program of establishing camps without consulting farmers, and frequently has forced such camps upon communities where farmers were vigorously opposed to them. Also, some camps were accused of being headquarters for radical agitation."

"The United States Employment Service operated under the United States Department of Labor; was never sympathetic to farmers during labor crises; representatives of the United States Farm Placement Service at times were exceptions as regards this attitude."

"The matter which disturbed the farmers most and which caused the greatest ill will toward the USES was the policy regarding referral of workers during the labor disputes, which under the Wagner-Peyser Act, reads as follows:

"The State service shall require that each employment office under its supervision refrain from referring any person or persons to any position left vacant—that question has never been determined what that means—by reason of a labor dispute at any place of employment by a person belonging to a grade or class of workers participating in, or directly interested in such labor dispute at such place of employment. For the purpose of this rule, the term 'labor dispute' shall include any controversy concerning terms or conditions of employment concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment regardless of whether or not the disputants stand in the proximate relation of employer and employee."

"It isn't a matter whether they have any interest in the problem at all. Any person can come into a dispute and say, 'There is a labor dispute here,' and as a result of that, why, the Federal Government in its referrals must respect that thing according to the Wagner-Peyser Act."



The witness continued: \* \* \* "There have been some very, very bad and flagrant disabuses of the whole thing by certain labor people. I had an occasion in the San Joaquin Valley to talk to a USES man who said that during a so-called labor strike where they had a man come in from Los Angeles who didn't know anything about cotton, admitted he had never seen a cotton field, but he declared that there was a labor dispute existing in certain areas there. There was a man in an automobile, seated across from his office—and this was an Employment Service man who told me about this—sat across from his office in an automobile and when people would come out of his office with referrals to certain ranches, he would approach this man and get the name to whom he was referred and then he would report back to this employment office that a labor dispute existed on that property. And in many instances there was not even any activity as to picking or otherwise on the property concerned. I just cite that."

"\* \* \* That was about three years ago \* \* \* We haven't heard so much lately because there hasn't been so much labor difficulties. I am trying to recite, as a background to this committee, these things that stick in the craw of the farmers and you just have to consider their psychology as a part of this whole problem."

The witness continued: "I have a little statement here on the definition of agricultural labor under Unemployment Insurance Laws."

The original Federal Social Security Act left the definition of what constitutes agricultural labor for purposes of exemption to the Bureau of Internal Revenue in the Treasury. The bureau adopted the rule which practically eliminated the exemption of employees of farm owners and tenants.

"When the California Unemployment Insurance Act was adopted in 1935, the definition was also left to the administration—at that time the California Unemployment Reserves Commission. This commission adopted a ruling which was far more liberal than that already adopted by the Bureau of Internal Revenue, so that in many cases California farmers were exempt under the California Act but were covered by the Federal Act.

"This situation created such difficulties that in February of 1937 the California Employment Commission changed its rule to make it identical with the existing Federal rule, thus ending any conflict as to liability and jurisdiction. This was done with the full consent and understanding of our California farmers.

"The administration of the so-called Federal rule created such difficulty that California agriculture, as well as the agriculture of other States, that in 1939, when the Federal Social Security Act was rewritten, there was written both into the Old Age Insurance and the Unemployment Insurance provisions of the Federal Social Security Act a complete definition of what constitutes agricultural labor for purposes of exemption. The legal definition was far more liberal than the previous Bureau of Internal Revenue ruling and relieved California agriculture to a very great extent.

"The Unemployment Reserves Commission—by 1939 called the California Employment Commission—was called upon to reconsider the definition which it had adopted by rule in 1937 and was requested to follow the new provisions of Federal law. However, the commission refused to adopt the Federal definition and amended its rule effecting May 1, 1940, to make it even more restrictive than had been the previous rule.

"The discriminatory situation thus created was brought to the attention of the California Legislature at the Special Session of December, 1940. At that time a resolution was introduced indicating it would be the intention of the Legislature that the California definition should follow the Federal definition. This resolution passed the Assembly but was later re-referred to the committee and was not finally adopted. During the regular session of 1941 bills were introduced to write into our California law the Federal definition. One of these measures, Senate Bill No. 876, by Senator Gordon, passed the Senate but died in committee in the Assembly. Several bills have been introduced in the present session which would write into our law the Federal definition.

"That is just another one of the gripes of California farmers because they can't understand why the California definition is not parallel to the Federal definition."

The witness reported on:

#### *Importation of Mexican labor*

"A delegation from California proceeded to Washington in to perfect an arrangement to bring Mexicans into the United States. Although some preliminary work had already been done, and although the California representatives were joined by others from Arizona and Texas, it was found that many barriers had to be removed in the official attitude of the American and Mexican governments. These reflected opinions of groups in the United States interested in protecting and advancing the social and labor gains acquired in recent years. Final arrangements were made for bringing 3,000 Mexicans into the United States for work in the sugar beets, and a limited number to harvest the 2,000 acres of long staple cotton in the Palo Verde Valley. The Farm Security Administration sent 43 men to Mexico to handle the recruiting, which was done in Mexico City, and resulted in the selection of a considerable number of workers who had had no agricultural experience. Also, the

requirements for importation were so rigid that they could be met only by well organized groups, and even with these the labor cost was very high.

"As the season progressed more Mexicans were made available with less rigorous requirements. However, with the need for Mexicans continually mounting, Mr. C. C. Teague called a meeting of representatives of farm organizations on November 6, 1942, to further analyze the situation. As a result, another delegation proceeded to Washington early in 1943, and it is believed that as a result of recent conferences the requirements for importation of Mexicans will be further relaxed and will permit the average farmer under certain circumstances to employ these Mexicans.

"The Farm Security Administration points out that at the present time, due to conditions existing on the Mexican railways, the maximum number of Mexicans which can be imported over those railroads is 500 per week. Inasmuch as the delegation recently in Washington advocated the importation of 60,000 Mexicans for 1943, it is evident that immediate attention should be given toward greatly increasing the facilities for importing Mexicans by rail or bus, or both."

Question: "Before you pass on that Mexican situation, I would like to show you here a form of housing standards for FSA imported workers in California. The form is entitled United States Department of Agriculture, Farm Security Administration Cooperative Employment Agreement.

Witness: "I think that is true but Mr. McFadden has a later form. I am sure that this is the original that was used."

Asked if it would be possible to utilize senior citizens now drawing aged aid and not able to work a full day if the Federal Government released their restrictions from going out and getting work.

The witness felt that they could be used in certain occupations.

#### *Outlook for 1943*

The witness continued: "The labor outlook for 1943 is extremely serious. Production goals set by the Secretary of Agriculture will require considerable more labor than in 1942. Recent requests under Selective Service will be of great assistance in retaining workers on the farm, but will not repair the depletions of the past year. The same might be said of the recent freezing order.

"Little can be expected from the farmer influx of migrants, since many of the reduced stream are finding their places in War industries.

"Considerable assistance is expected for greater importation of Mexicans; also, volunteer labor is expected to be available in larger quantities and be better trained than in 1942. And there is some indication that a few farm workers who have been employed in defense industries are returning to agriculture.

"Claims are being made that a large number of farm workers can be recruited from other areas of the United States. In view of past experience, too much should not be expected.

"On February 5, Major John O. Walker, chief of the Food Production Administration's labor division, outlined a three-point program for recruiting 3,500,000 workers for farm labor, as follows:

1. The movement of about 50,000 farm families from over-populated rural areas to more intensive farming regions where they can be given year-round employment, especially on dairy farms.

2. A campaign to sign up all available workers in town and cities for work on farms during the rush season. That campaign, being conducted by the Agricultural Department and State Extension Service, is expected to be completed by April.

3. Mobilization of an army of 270,000 migratory workers to be shifted at Government expense to areas where local labor is not sufficient to meet these needs.

"I think that those statements need to be taken with a great deal of salt, shall we say, and I would want to know quite a little more about how they are going to do it."

Asked where this suggestion came from the witness stated "the press," and that Major Walker until recently, was with the Farm Security which brought out that the suggestion emanated from the Farm Security.

The witness recommended: "I. To assist the proper administrative agencies with detailed instructions as to authority, and to set up immediately functioning county, area and State committees as follows and I say "with detailed instructions as to authority" and I mean that. I think that is the most important thing we need and the most important thing we haven't had.

(a) County committees organized be with substantially the same representation as the Agricultural War Manpower Committee which functioned in 1942, but with larger representation of actual farmers. The county committees should meet once a week during peak labor needs.

"I think the county committee did a swell job during this last year.

(b) Because of the great size of the State, and the fact that there are certain logical groupings of problems, area committees should be formed as in 1942, but not necessarily

corresponding to the areas represented by such committees during the past year. Such area committees should meet once a week or often enough to review the recommendations of the county committees.

(c) The State committee is desirable to review the recommendations of the area committees, and keep in intimate touch with Federal, State and other agencies vital to the problem. Either the entire committee or an executive committee should meet once a week during peak labor needs, and often enough at other times to properly consider recommendations from area committees. At least one representative of the administrative agency should be a member of the committee, and should be delegated to immediately follow through on problems within the province of that agency.

"I think that is quite important. That is just your set-up of State, area, and county committees, as I see them.

II. An advisory committee similar to the Committee of Thirty-six appointed in 1942 should be set up with a strong predominance of producer representatives. The committee or its executive committee should meet frequently during peak labor needs, and should maintain close touch with the proper agencies dealing with the problem, as well as with county, area and State committees.

III. Through above-mentioned committees immediately plan for definite farm labor needs, housing, sanitation and transportation for workers; supervision for volunteer labor and adjustment of school and business vacations to correspond with farm labor needs.

"That fits in with some of your bills, I believe, Mr. Chairman.

IV. In order to meet the unique needs of California farmers and in order to keep California's problems from being lost sight of in regional or national efforts, some competent committee or agency should be maintained with this specific duty.

"I don't know whether we should try to recreate a California Employment Service or whether the so-called Committee of Thirty-six should be more effective, or what it should be, but I do sincerely feel we have lost a little something of California's unique interest in this whole problem by its taking over of our whole California set-up."

Discussing whether the local board of supervisors should be responsible if the creation of some activity responsible to the Department of Agriculture, the witness stated: "It is only a personal opinion but it seems to me in the first place that I think Agriculture has complete confidence in our State Department of Agriculture and; secondly, I think the point I expressed before is that we have lost something in California in the taking over by the Federal agencies. We have lost something of California's unique interest in this problem, and perhaps in the State Department of Agriculture with one or more representatives we could follow the ball a little bit more concretely in our own unique problems in California."

The testimony pointed out the elements of uniqueness of California agriculture were: Similarity to industry rather than the little farm home units of the East; seasonality, it's need for large numbers of harvest help and California's higher wage scales and willingness to pay.

Further recommendations by the witness:

"V. Revise State laws which permit abuse of unemployment insurance resulting in loss of labor.

VI. Revise State laws to permit regulation of sale of liquor, when such sales result in reducing the labor supply.

"That is a rather general statement, but I think you will all understand the problem we have.

VII. Revise State laws which prevent full use of women or minors in agriculture, with due regard to health and educational standards.

VIII. Amend State law to provide that statutes relating to unemployment insurance parallel the Federal definition in order that inequities and confusion be eliminated.

IX. Provide for postwar planning through the College of Agriculture, or some competent agency. I hope it will be a competent one since the pattern of California is subject to material changes following the war.

"I will say there is a commission already in the United States for one of the governments under German rule, that is already searching for 10,000 purebred dairy animals. That is one country and there are going to be others that are going to be looking for purebred stock and we are going to have a different pattern in California after the war.

"One phase of such planning should include anticipating adequate housing for farm workers by transfer of emergency housing now constructed for guayule workers and employees on other emergency projects. That is going to be a real problem and there are going to be lots of housing available to agriculture if we plan in advance to have it in the right place.

X. Simplify regulations relating to the importation of Mexican labor. Recruit such labor in agricultural areas, and devise means of breaking the transportation bottleneck which impedes efforts to bring in adequate supply of Mexicans."



The witness in answer to questions related considerable experience, most of it good, with children working in agriculture, and that some of the bad experiences were due to lack of supervision. He thought it advisable to arrange to have the coach or agricultural teacher of a school to act as supervisor of such groups and that the school be responsible when they move out into agricultural areas, and that the farmer take care of the wages. The parents would not be so reluctant to permit children going out if supervision were furnished.

SUMMARIZED TESTIMONY OF J. E. DUEUL, DIRECTOR UTILITIES DEPARTMENT,  
CALIFORNIA FARM BUREAU FEDERATION, BERKELEY, CALIFORNIA

The second witness called was J. E. Dueul, Director of the Utilities Department of the California Farm Bureau Federation. Mr. Dueul presented three documents marked A, B, and C for the record.

Mr. Dueul suggested various witnesses in the agricultural field who would have testimony of value.

Mr. Dueul stated the "Producers and processors of farm products are more interested in the work of this committee than any one \* \* \* the Federal agencies have failed so far and their most recent proposal does not give the producer any assurance that it will be successful. He suggested further witnesses.

Mr. Dueul stated that early in January Mr. Wiser, President of the Farm Bureau, made a statement of the California Farm Labor situation, which he presented as an Exhibit E.

Chairman Hatfield remarked he felt the report so important he wanted each member of this committee to have a copy to which Mr. Dueul complied.

Mr. Dueul mentioned various persons able to speak on the processing end and another group able to speak on volunteer labor.

On farm labor, Mr. Dueul suggested Prof. R. L. Adams of the University of California, who prepared two reports in 1942 and one in 1943, marked as Exhibits F, G, and H.

Mr. Dueul emphasized his approval of Senate Bills 536, 610, 1056, and Assembly Bill 1798 and deemed them "absolutely necessary." He continued: "There is nothing to indicate that the Federal Government will do anything better in the near future than it has in the past, so unless the State Legislature takes the job over and puts a sensible plan into operation, I am fearful of the losses in food and fiber that will occur this year."

He continued: "Another problem is the matter of pirating of farm labor by the USES, taking it from the farm community. The men that farmers need to work, blacksmiths, welders, people that are just as essential to farming as to any other industry, are being taken."

Mr. Dueul read a letter regarding opportunities of work from the Army Air Force. This letter was sent to 32,000 people in Southern California, including farmers.

Mr. Dueul's testimony claimed insufficient price to meet cost of production, machinery rationing program hindrance to production program, subsidies not wanted by the farmers, but a fair price and the opportunity to work on a fair margin of existence; and gas rationing inconsiderately handled—taking up much of the farmers' time, which could be put to use on the farm.

TESTIMONY OF C. W. ROBINSON, FARMER, ORANGE GROWER, RIVIERA, CALIFORNIA

C. W. Robinson of Riviera, California, stated he was chairman of the Labor Committee in Los Angeles County and that this committee was still operating, never had disbanded, and they didn't care what committee they were called by the Federal agencies. He related his committee had just met last Monday and the labor situation for next year appeared darker than the past year. He stated principal assistance of

the USES and the FSA was in recruiting a number of high school boys who had proved of value. He agreed with the suggestion that the State Legislature take some action authorizing the establishment of some local, State or county agencies as an improvement to the present situation.

TESTIMONY OF H. A. WALSH, PALOS VERDE VALLEY FARMER

Mr. Walsh stated he was a member of the Riverside County Farm Bureau, a member of the county conservation committee, and also a member of the County USDA War Board of Riverside County. He related his groups had difficulties in the labor situation and that two years ago there were 600 dairy cows in the valley and that today there were none with the exception of a few family cows, all this due to the labor situation. He continued that four government projects in the vicinity drew practically all labor from the farms to these projects. Mr. Walsh related difficulty in securing farm machinery due to the rationing allotments. The farmers were discouraged and ready to quit to go into these Government projects also.

Asked his experience with the U. S. Employment Service, he stated: "It appears (they) furnished men for both industry and agriculture. One outfit paid \$1.50 an hour and the other paid 50 cents to 60 cents. Who do you think would get the men?"



The witness cited long distances and numerous trips to the rationing board for gasoline and then farmers were not allotted the amount needed.

He stated he was 200 miles from a rationing board. "We have a local rationing board, but, of course, they are subject to the other office in the county seat. We are 175 miles from Riverside and the farmers come in there and they tell them they can't get emergency gas when they first got their allotment from Detroit. They got about one-fourth enough to do them to get them anywhere. Then they had to make a request for supplemental gas and they would have to go to Riverside. Sometimes they would have to go down a half a dozen times and wait a week or two weeks before they could get a return from Riverside. By that time they would be getting pretty mad."

Questioned how much time it took, the witness stated: "Oh, I wouldn't say, but it took a lot of time and they burned up a lot of gas \* \* \* sometimes all day to make the round trip."

TESTIMONY OF C. P. BLATZ, PACKING HOUSE MANAGER, LOS ANGELES  
COUNTY, CALIFORNIA

Mr. C. P. Blatz stated he was a packing house manager in Los Angeles County, a lemon and grapefruit grower in San Bernardino County, and a member of the Farm Labor Committee of the Los Angeles County Farm Bureau.

Mr. Blatz stated he wanted something done to check the employment service offices' activities in soliciting employees for defense work other than farming, and that he favored decentralizing of labor solicitation and agreed that establishment of some activity in the State Department of Agriculture to handle it would be an improvement.

Asked if the price ceiling for packing of citrus fruits was sufficient, he replied: "No. You can not obtain the labor." The nearby defense plants paying a bigger wage and the ceiling on packing wage naturally cause labor to move into defense plants. The ceiling price on the product is set so low, "you can't compete with industry."

The testimony established that women trained by the citrus industry for the packing plants were drawn to the airplane industry by the higher wages.

TESTIMONY OF LOUIS F. DE MARTINI, VEGETABLE GROWER,  
COMPTON, CALIFORNIA

Louis F. De Martini stated he was a vegetable grower in Compton, belonged to the Board of Directors of the Southern California Produce Growers Association, was a member of the Los Angeles County Labor Board, and represented the Southern California Produce Growers on the Labor Committee. His farming operations amounted to 66 crop acres.

He related the need for experienced help on vegetable farms due to hand picking, and grading while picking, and that weeding also required experience.

The witness suggested the committee do something to require such vegetables as carrots, beets, turnips to be topped, thus eliminating labor of bunching. He added that the Safeway Stores buy their produce by the pound topped, and that the Army bought nothing but topped goods.

Asked for suggestions the committee could follow, he stated there were too many committees trying to do the same job, that his experience with the U. S. Employment Service was bad in that they seemed to send their people to the war plants rather than to the farms. He continued he had farmed since he was 7 years old and that he had too much money invested or he would have gone to work in a defense plant long ago. He felt those fixing prices were not acquainted with the problems surrounding the commodity. He recommended fewer committees and someone locally situated and locally responsible.

Senator Crittenden at this point stated it would seem desirable to have a Federal agency man appear before this committee to explain the price set-up.

The witness pointed out that there was less produce being grown in this county than a year ago and that there were more people there than heretofore. He related he had trained boys (15 years of age) to bunch vegetables at the suggestion of the USES, but that when their vacations came they were going to the war plants which started them out at 85 cents an hour. He stated the county growers had some Mexican help from those living in little towns in the county but suggested that if housing could be arranged Mexican labor could be imported.

TESTIMONY OF GEORGE VAN MOUWERICK, DAIRYMAN,  
REDLANDS, CALIFORNIA

Mr. Mouwerick stated he was in the dairy business in Redlands and milked about 200 cows and raised young stock, and that his problem was securing milkers and clean-up men. He stated he paid \$160 a month for milkers, giving them once a week off, and that this was an increase of from \$40 to \$50.

Asked what increase in the price of butterfat or milk he had received, he replied about 15 per cent and that the labor increase was 40 per cent, with a 50 per cent increase in the cost of hay and a related increase in cost of concentrates. He said he was now operating at a loss.

In answer to questions concerning dairy help, he related that at one dairy in San Jacinto milking 42 cows, in 12 months' time six men quit; the Blue Mountain Dairy of Colton, had 40 cows and six men quit, Richmond Dairy in Arlington had 65 cows and six men quit, in Fontana a dairy there had three men quit, all going into defense work; however, some had returned in order to stay out of the Army. A new problem had arisen of fellows offering themselves as milkers in order to be deferred. He added that this turnover in milkers had an effect on the cow withholding milk, butterfat, and that there was a general decrease in butterfat production and gallonage of milk. He cited the McDaniel Dairy of San Bernardino milking 90 cows, having a big turnover of labor, lost in production from 980 pounds per month to 753 pounds, a decrease of 227 pounds per month, over 20 per cent.

He added that poor milkers eventually make culls out of the cows. He agreed that operating on a high cost of production required the maximum production and butter production was obtained from hand milking over machine milking.

TESTIMONY OF J. P. BUTLER, VEGETABLE AND FRUIT FARMER,  
LOS ANGELES COUNTY

Mr. Butler stated he and two brothers operated about 1,000 acres in Los Angeles County, raising rutabagas, oranges, tomatoes, potatoes, lemons, grapefruit, cantaloups, carrots, onions, etc. He said he was recently appointed chairman of the Los Angeles County Farm Bureau Labor Committee.

It was his opinion that the Federal agencies had failed in securing farm labor and felt a local committee would be more workable. He stated he and his brothers spent a great deal of time "breaking through one kind of red tape and another," and told of two tractors he had ordered and bought and was told he had three hours to get them out of the Los Angeles warehouse before being frozen. He ran one on the street on hard tires and one was still frozen. Another point he mentioned was that when he felt justified in paying a wage competitive with industry, he had done fairly well in getting his crop harvested. He stated he had at the moment 100 lemon pickers, paying them 20 cents a box and they were making from \$6 to \$12 a day. He said, "But we are going on the assumption that we sold a few boxes of lemons in the last few months which would allow us to pay that," and added he didn't know how long he could continue. He felt that if the new price ceiling policy starting on farm commodities, is a criterion, "we can expect the worst."

Mr. Butler stated that while it is rather embarrassing for anyone to say we should take men from airplane plants or the armed forces, some cooperation should be sought and that the farmers had no agency with authority or money to put ads in papers as did industry in rural papers as well which pointed out their advantages. He believed if the truth could be publicized, people would find many and perhaps greater advantages in farm work and its wages against that in industry. He told of a new powder factory at Saugus which took practically all of the local help and it got to a point where he had to have some help so decided to get some back regardless of cost "because we were taking normal income tax money to do it with," and he thought he would be able to keep them as they were naturally farmer-minded and liked their work on the farm, that they found living costs cheaper working as farm labor than in the defense industry.

TESTIMONY OF A. J. McFADDEN, CITRUS AND PERSIMMON GROWER,  
SANTA ANA, CALIFORNIA

Mr. Arthur J. McFadden said he lived in Santa Ana and raised oranges, lemons, and persimmons in Orange County for 30 years, and was a member of the Southern California Area War Manpower Commission. "Trying to represent agriculture and in defense of myself I will say it wasn't my fault. They drafted me and put me there."

He told of the drift of farm labor to the airplane and shipbuilding plants and the draft boards taking their normal amount from the farms and with the rapid expansion of war industries leaving little labor in the country districts. He said the gasoline shortage would prevent migrations from the Dust Bowl as heretofore and that Mexican labor would be a farm labor shortage solution. He told of U. S. Senator Downey's hearings in Los Angeles and in Northern California which brought out the great need for more labor and that Downey had suggested "a few of us had better come back to Washington and see what we could do as to getting some Mexicans in." A meeting was held two months ago in San Francisco with representatives from all over the State, 60 farmers (Farm Bureau, Farmers Union, State Chamber of Commerce, Associated Farmers, and others).

Mr. McFadden continued: "Four of us went back (to Washington), (C. C. Teague; Fran Wilcox, Assistant Manager, California Fruit Growers Exchange; Chester Moore, Executive Secretary, Western Growers Protective Association; and A. J. McFadden). We had three interviews with Secretary Wickard and one with Chairman McNutt of the WMC." He said they told the Secretary of Agriculture the contract under which Mexicans were brought in (\$3.500) was impossible of application for general use in California because the \$50,000 bond required cut off the average farmer entirely and the requirement of taking 20-25 Mexicans. The

farmer not only didn't have the money but the necessary red tape scared him to death before he started, also the average farmer would need that many people. This precluded those people who needed the help most.

Mr. McFadden continued that other provisions in the contract were unsatisfactory and a contract was submitted without the bond and without the limitation as to numbers, but suggested terminal camps to which Mexicans could be brought to cover the State, one to be in Imperial County, two in the citrus district in Southern California, one in Santa Maria Valley, one in Salinas Valley, one in Fresno, one in Stockton, and one in Marysville. Major Walker, Labor Coordinator, Food Production Division, U. S. Department of Agriculture, agreed to most of the provisions of this contract.

The witness continued: "I couldn't see any reason why that contract couldn't have been agreed on inside of two or three days, but we stayed there two weeks and while we agreed at the second interview on all the principal points, he stated he would have to talk it over with the people under him, and Mr. Wilcox stayed two weeks more and is now back in California and Major Walker told him after 10 or 15 more conversations it would probably take three weeks more after he left before it was finally settled."

A copy of the contract was submitted for exhibit.

The witness continued that this committee of four which went to Washington was convinced California would get 50,000 or 60,000 Mexican laborers by next fall, which probably was insufficient but they felt would get them by. It was understood the Farm Security Administration would bring them in and house them. The number coming was to be certified by the WMC under Mr. McNutt and the committee had the assurance from both Mr. McNutt and the Secretary of Agriculture there would be no bottlenecks in their offices, that it would move right straight along.

"When we got back to California," continued the witness, "the first thing we saw in the papers was a directive (No. 17) from Mr. McNutt transferring the entire thing to the Department of Agriculture."

"Now, I have been investigating ever since I got back to California to see where we were under this new directive and I haven't been able to find anybody in any organization that knows, and I am fearful that this confusion may last so long that it may seriously retard the flow of Mexicans into the State."

Asked the wage to be paid these Mexicans, the witness stated the prevailing wage, the same as Americans, and \$1.40 a day board was to be charged the Mexicans. If the employer failed to give at least three-fourths of the work time contracted for, he would have to pay \$3 a day up to three-fourths of the days.

Questioned about what Florida requested, the witness stated that Florida growers were asking for the privilege of importing Negroes from the Bahamas. He stated the War Manpower Committee said to the Florida people: "You people are right close to the eastern consuming markets, and you are offering to pay these people from the West Indies \$2 a day when they are working, and the California people are 3,000 miles away from the market and they are offering to pay the going wage of \$3 a day when they don't work if it is the employer's fault they are not working. We are for that, but we are not for your proposition."

The witness said that 1,500 to 2,000 Mexicans were brought from Mexico City as it was the easiest place to get them for the immediate need. The Mexican Government gave permission to obtain agricultural workers in agricultural states outside of Mexico City and if screening was necessary, our representatives were welcome, in fact, they preferred it to hauling them up and back. About 20 per cent went back.

Mr. McFadden claimed the Mexicans were useful in the citrus groves and lettuce fields, but they wouldn't be much service in the dairy (milking) industry. He added that the citrus organizations were going ahead with housing for about 1,200. He thought the housing situation was a weak point in California's farm labor problem and that some provision should be made toward improving it. He thought the bill introduced in the Legislature to permit using county fair buildings and the various facilities existing for housing for county pools of labor had considerable merit.

Asked if he had anything additional to say, the witness stated he was much concerned with the apparent confusion existing among the various Federal agencies and hoped for clarification of jurisdiction. He favored local authority.

TESTIMONY OF W. J. CECIL, DIRECTOR, CALIFORNIA STATE DEPARTMENT  
OF AGRICULTURE, SACRAMENTO

Mr. Cecil, Director of Agriculture of the State of California, was requested to give the historical background of the different State and Federal agencies having to deal with the farm labor situation. Mr. Cecil presented a 12-page mimeographed statement which was marked No. 12.

Mr. Cecil stated he discussed with Chairman Hatfield on January 31, 1943, the work assigned this Fact-Finding Committee as it related to the employment of agricultural labor and his (Cecil's) elaboration upon the "all-too numerous organizational structures and agencies which attempted to cope with the farm labor problem during 1941 and 1942."



Senator Hatfield's request for a historical summary was being presented by Mr. Cecil with three objectives:

1. To give this committee the benefit of that history;
2. To illustrate reasons for confusion resulting from re-organization of the agencies and draw additional understanding of the partial failure of them to perform effectively;
3. To illustrate forms of organization which have not been adequate in the premises so that we do not repeat the same or similar errors in organizing for 1943.

The first part of the document, Mr. Cecil felt had already been inducted in previous testimony, so he skipped to Point 7. "I first attempted to approach this in terms of where the duties were from Washington on down, and I got so confused," stated Mr. Cecil, "and had no common identities to identify. I turned it around and looked at it for a two-year period in terms of the one thing which has been roughly common in this picture, which has been these long suffering county committees \* \* \* they have had lots of bosses \* \* \* to whom they supposedly owed allegiance, but they have been a relatively constant factor. So in the first nine pages of my paper, I have traced these poor county committees through a series of organizations \* \* \* and revampings."

Mr. Cecil reported that in the short space of 23 months (Feb. 7, 1941-Jan. 2, 1943) the county groups were confronted by the following:

- a. State Land Use Planning Committee, February 7, 1941;
- b. Sub-Committee on Social Problems, March 7, 1941;
- c. California State Agricultural Planning Committee, January 9, 1942;
- d. Sub-Committee on Farm Labor, January 9, 1942;
- e. State Farm Labor Committee, January, 1942;
- f. State USDA War Board, July 1, 1942;
- g. State Agricultural Advisory Committee, August 7, 1942;
- h. War Manpower Commission, August 24, 1942;
- i. Farm Security Administration, August, 1942;
- j. California War Manpower Committee, August 31, 1942;
- k. Six Area Agricultural Manpower Committees, August 31, 1942.

"To further confuse the matter," continued Mr. Cecil, "two more foster parents presented themselves in January of 1943."

- a. January 21, 1943, War Manpower Commission Regional Director Hopkins organized a new California State Farm Labor Committee, with the second meeting scheduled for January 29;
- b. About January 26, War Manpower Commission Director McNutt issued a directive transferring all phases of farm labor recruiting to Secretary of Agriculture Wickard. Thus the USDA State War Board is the thirteenth parent which the county groups had in 24 months.

Mr. Cecil wondered, with all these changes, how these county groups were able to do as much as they did. He continued explaining his report and the still-confusing overlapping authority between the agencies, and added that as yet "we have no occasion to rejoice over the ending of all organizational difficulties, and the present and thirteenth parent \* \* \* of the county committees looks no stronger or no weaker than the first."

He continued: "California, the United States, and the United Nations all have a tremendous stake in the success or failure of California agriculture. In 1942 our crops, livestock, and livestock products had an approximate farm value of \$1,166,411,000 or 34 per cent greater than the comparable figure for 1941. The farmers in California, if you look at it in terms of value of crops, did an appreciably far better job in 1942 than they did in 1941.

"The dollar sign is fallacious because in certain groups of commodities in tonnage we actually produced less in 1942 than we did in 1941 \* \* \* prices (fruit and nut crops) were so high that the dollar value was 30 per cent higher \* \* \* we produced only 96 per cent as much \* \* \* in field crops \* \* \* our 1942 volume was 12 per cent higher than 1941 value \* \* \* livestock likewise up 30 per cent."

Mr. Cecil continued: "California farmers have been called upon by the Federal Government to equal or exceed their 1942 record production in 1943. Much of the credit for our tremendous 1942 production is due to unusually fine weather and to the great efforts made by our farmers, not to the operations of Federal, State or county governments."

Oftentimes, it seemed that the Federal Government was impeding farmers' efforts, considering priorities. Selective Service, price ceilings, rationing of tires and trucks, shortages of transportation, equipment, spare parts, packaging, fertilizers, insecticides, and labor, and the removal of the Japanese, and the repeated delays, indecision, and reorganization."

Mr. Cecil as director offered the services of the State Department of Agriculture in California, or the county agricultural commissioners in assisting this fact-finding committee to solve the labor problem. He doubted the labor problem in California



could be completely solved in view of the obstacles at hand. He predicted he would be surprised if the 1943 production would be in excess of 85 per cent of 1942. He said: "We have been asked for an increase and I look for a 15 per cent over-all decrease."

Mr. Cecil presented a report from the Federal-State Crop Reporting Service dated January 20th, entitled: "The Estimated Crop Losses in California due to the Farm Labor Shortages in 1942."

He enlarged on this release, stating olives, walnuts, and cotton had not yet been included but that 30 per cent of the cotton crop will be a total loss.

The report showed major commodities, excluding olives, walnuts, and cotton, in which losses were involved as being \$6,110,000, because of labor shortages.

Mr. Cecil presented releases to the committee as further exhibits.

"In Part B of the mimeograph report," Mr. Cecil continued, "\* \* \* I tried to \* \* \* explain what I thought the coming set-up would be, National, State, and county, and that is a crude attempt to draw a picture of it."

Mr. Cecil was pessimistic about

1. Sufficient Mexican labor coming in; and
2. Felt the USDA War Board a closed corporation and, therefore, undesirable. He favored the farmer committee and that the "USDA War Board, State and county, be expanded to include practical private operators, preferably chosen by their own groups." He suggested:
3. Segregation of the Farm Placement side of the USES;
4. That a definite head be established over the various agencies;
5. That Mexican nationals be made available in quantity;
6. That the marginal area workers work for someone who has soil to produce;
- 7-8. That a definite program for volunteer labor be established;
9. That Washington understand California's early planting and harvest schedules;
10. Further housing provision for farm labor;
11. That transportation be coordinated;
12. That a longer work-week for farm workers be established;
13. That Washington take a more sympathetic and helpful attitude toward food production;
14. That price ceilings be in line with cost of production;
15. That a clear-cut definition be given as to the essentiality of crops;
16. That State laws be adjusted to avoid hampering production on farms;
17. That farm labor be frozen; and
18. That Washington's attitude of prolabor change to a middle-of-the-road policy with respect to labor permitting others to be recognized.

Assemblyman Bashore asked Mr. Cecil: "Do you have any more attention paid to you when you go to Washington than what, apparently, the California delegation to Congress has paid to them?" Mr. Cecil replied: "Practically no attention is paid to me. In other words, they are not paying attention to anybody \* \* \* both producer and distributor alike (in seeking OPA milk price) are considered (by Washington officials) to be grasping people \* \* \* reception is bad (there) \* \* \* (with) so many people going to Washington \* \* \* they have got rather elephantine skin \* \* \* I can't entirely blame them. When you give them an honest story they don't seem to be able to appreciate its honesty."

Asked if someone sent from Washington here to have a look would help, Mr. Cecil replied: "\* \* \* so far as we have experienced when a man comes out here to see and listen, it is normally what you and I would describe as an office boy who doesn't count when he gets back to the other end."

Asked to discuss lend-lease, Mr. Cecil stated he was not too familiar with it but that the Pacific Coast purchasing office in San Francisco was one of the most active in the group.

In discussing the proper head to assist in farm production and securing of proper labor, Mr. Cecil said that Washington representatives are midwesterners and easterners and some representation from the West should be included that could give consideration to California's unique requirements. He deplored the present situation of separate interests; such as, growers, processors, shippers, and others running in to him or to Mr. Wickard and telling different stories, as being a nuisance, and again suggested "an unofficial ambassador of California agriculture in Washington."

Discussion of the outlook for livestock brought out that Mr. Cecil thought it would be as good as 1942 except for pen-fed beef and lamb which were expected to be down due to the possible reduction of sugar-beet planting, but that California was primarily concerned with milk at present and the hay situation, that two more months of hay feeding was necessary with hay costing \$38 to \$39 a ton when it could be found.

Discussion of guayule in California showed that it was a No. 1 priority crop, grown by and for the Government; that nobody could compete with it for labor or materials; that for five or more years the best farm land would be taken; that 90,000 acres are taken up in California for 1943; that plantings are made by machinery; and that some Mexicans brought in for sugarbeet work were taken for the guayule production

## Exhibit

Summarized Testimony of Growers, Managers of Produce Associations, Officials, and Others, Before the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor Appointed by the California Legislature

HEARING FEBRUARY 23, 1945  
El Centro, California

*Persons who testified on February 23, 1945:*

T. M. Finney	County Manager, U. S. Employment Service, Formerly with State Employment Service Seven Years	Imperial County, California
W. H. Graham	Chairman, Valley Committee, Imperial Valley Farm Bureau, Farmers 500 Acres Alfalfa	Imperial County, California
Argyle McLachlan	Member, Southwest Flaxseed Association, Rancher	Calexico, California
B. A. Harrigan	Imperial County Agricultural Commissioner and Farmer	El Centro, California
Bert R. Purdy	Edgar Implement Store	El Centro, California
L. E. Sinclair	Rancher, 1,500 Acres Vegetables, 3,000 Flax, 1,500 Grain	Calpatria, California
M. E. Ryan	Member, Imperial Hay Growers Association, 60,000 Acres, Hay	Westmoreland, California
Charles Bramkamp	Manager, Golden State Company (milk)	El Centro, California
Roy M. Bellwood	Manager, Imperial Grain Growers (barley, flax, wheat)	Brawley, California
George Winright	Farm Adviser, Imperial County, 14 Years	El Centro, California

SUMMARIZED TESTIMONY OF T. M. FINNEY, COUNTY MANAGER OF THE USES, AND IMPERIAL COUNTY REPRESENTATIVE OF THE WAR MANPOWER COMMISSION

Mr. T. M. Finney stated he was formerly seven years with the State Employment Service and answered a number of questions concerning the local set-up of the various Federal agencies and others concerned with recruiting of farm labor.

The witness stated there was a shortage of 1,000 agricultural laborers, most of them needed in the carrot tying. He said: "We have orders for 750 carrot tiers. We are unable to find them," and added that the shortage of cars to ship also held them up. He said they had 1,200 Mexican nationals taking care of the lettuce and that they "have really been of vast assistance in solving the labor problem." He said the 1,200 were brought here by the Imperial Valley Farmers Association through the FSA, that most came from Mexico City, some had agricultural experience, and that only about 50 were sent back as unfit for agricultural work.

In the Fresno area, he said, there was a shortage of 200 men for various types of mechanical experience, which caused a delay of a month or six weeks in harvesting milo and flax. The cotton situation, the witness continued, in the Bard area was in bad shape, pickers were needed and none were available. One man needed 50 and had 3; however, the freeze on peas directed some 75 families to the cotton area so that only about 200 acres was lost.

The witness told of private contractors of labor coming in from other sections of the country and bringing in their own people with them. When these contractors ran out of work for them they referred to the USES.

Asked if he had placed any advertisements in any of the local papers of Imperial Valley for jobs in the industrial sections of Southern California, the witness replied: "We placed an advertisement not very long ago for women to work in a parachute organization in San Diego. This advertisement was placed through us. They requested us (USES) to do that." He informed the committee that these advertisements were paid by the prospective employer and that the USES had no money for that purpose.

The witness stated the USES had not advertised in the Imperial Valley papers for the aircraft organization because of the comparatively few people in the area. Aircraft instruction was started in the Imperial Valley high school and it graduated about 154 young men and three women; out of these 45 had been migratory fruit and vegetable workers, and around 50 per cent of the 154 had agricultural experience.

Asked if the imported workers were satisfied with conditions in the Valley, the witness said the majority of them were very well satisfied because they were able to earn about an average of two pesos a day in Mexico and their average here is 20 pesos a day. He told of one Mexican having earned \$32 in one week and the Mexican said "that was more money than the Mayor of my town earned" and that he was going back and show that Mayor something. The witness said they were

good workers and he felt they had saved the farmers here thousands of dollars. The witness stated that the workers seemed satisfied with their housing conditions. Complaints were evidenced that they didn't get the kind of food they had been used to in Mexico. "There weren't any tortillas and a sufficient number of beans," said the witness, "but that was soon adjusted by the Farmers Association and lately I have heard no complaint on the food." He added that most board themselves, prepare their own meals or buy them in Mexican restaurants.

The witness explained the method of obtaining Mexicans. "We (USES) first had to certify as to the need of these Mexican nationals." He continued: "I certified to the Sacramento office, the head office at that time, that there was a need for 1,800 laborers. Then this order was cleared throughout the United States, every State in the Union by telegram had to say that they could not furnish this labor. When that was done then the Sacramento office certified to our Washington office, headquarters office, that these men were needed, were unavailable and after that certification it was turned over to the Farm Security Administration \* \* \* (who) sent then to Mexico and also hired men there who interviewed these Mexicans, accepted them, had them examined, loaded on the trains and sent to Imperial Valley."

Concerning the many Mexicans at the border anxious to come into the United States to work, the witness said he investigated and learned that there was a radio announcement from a Mexican station that the United States was in desperate need of agricultural labor and all you had to do was to go to the border, and you would be permitted to go across and work. He found 500 to 600 had come in to Mexicali from the interior of Mexico and attempted to get across. The witness said his office could do nothing because they did not have a passport or permission to enter the United States.

The witness stated the labor shortage for 1943 would be greater due to an increase in flax and sugar-beet acreages.

SUMMARIZED TESTIMONY OF W. H. GRAHAM, FARMER AND CHAIRMAN, UTILITY  
COMMITTEE, IMPERIAL VALLEY FARM BUREAU, IMPERIAL VALLEY

Mr. W. H. Graham stated he was a farmer operating 160 acres in Imperial Valley and Chairman of the Imperial Valley Farm Bureau Utility Committee. He related the farm labor shortage with regard to tractor drivers and irrigators. He related having operated more than 500 acres last year, but that five men quit in less than 10 days to go into defense work and for "23 days I didn't do anything. I didn't take off my shoes or take a bath, for 23 days and nights I was on my feet irrigating the land they left." He related the attitude of the local draft boards not wishing to defer their agricultural workers, that a few deferments had been applied for but with the appeals to Washington, no outcome had been received.

Asked what he thought of the President's statement to use armed forces to work in agriculture, the witness said he felt the soldiers would feel an injustice to seeing men paid regular wages for the same work and knowing other men having quit the agricultural work to work in defense plants now drawing time and a half after 40 hours a week.

Asked how much he paid for irrigating, he said \$110 a month and 50 cents an hour for time on the tractor and one month he made almost \$300. No board was furnished but a house and sufficient room for a cow, hogs, and chickens was furnished.

SUMMARIZED TESTIMONY OF ARGYLE McLACHLAN, MANAGER, SOUTHWEST FLAXSEED  
ASSOCIATION AND RANCHER, CALEXICO, CALIFORNIA

Mr. McLachlan stated he operated a ranch and was manager of the Southwest Flaxseed Association. He was asked if he had experienced any difficulty in flax industry and if he would expect a labor difficulty this coming season.

Mr. McLachlan said he anticipated shortages in skilled labor, tractor drivers and combine operators. He said last year there were 100,000 acres of flax, 15,000 over the previous year. This year, due to the Government's request for increase, he estimated a possible 60 per cent increase. The Government had been approached last November for priorities on machines and the quota was increased to 50 machines, but 125 had been asked. He related of every means devised to relieve the labor situation, some machinery having been installed to use fewer men. He added that the people in the valley felt very sensible about the situation and that they were trying in spite of shortage of machinery and help to go on and would manage to harvest the crop some way. He said the flax people went ahead and increased the planting 60 per cent requested by the Government without knowing whether they would get the necessary machinery.

SUMMARIZED TESTIMONY OF B. A. HARRIGAN, IMPERIAL COUNTY AGRICULTURAL  
COMMISSIONER, EL CENTRO, CALIFORNIA

Mr. B. A. Harrigan stated he was the Imperial County Agricultural Commissioner living at El Centro and was also a farmer.

He was questioned about this area having a Land Use Planning activity about two years. He said it was a committee organized under the Triple A for the purpose



of utilizing to the maximum farm lands. This committee had a subcommittee on agricultural labor made up of Farm Bureau members. At this point Mr. Walker continued the testimony.

Mr. Harrigan was recalled later in the testimony and told of the Secretary of Agriculture's decision as to nonessential and essential crops. Imperial County being a large grower of lettuce and canteloupes was vitally interested. Much lettuce was sold to the Army and Imperial County was interested in having lettuce termed as an essential crop.

Mexican labor could not be used on a nonessential crop and any crop planted after November 12th was "nonessential."

SUMMARIZED TESTIMONY OF CLARENCE WALKER, FARM BUREAU MEMBER,  
IMPERIAL COUNTY

Mr. Walker, Secretary of the Farmer's Association, organized to deal with the Farm Security Administration on the importation of Mexicans, made a contract with it because the FSA would not deal with an individual. The association in turn made contracts directly with the farmer for labor. The witness filed Bulletin 62 explaining the agreement between the United States and Mexico.

The witness continued that the FSA maintained a migrant camp at Brawley, one at Calipatria, and another at Holtville. A few of the farmers also house the Mexicans and all facilities were approved by the FSA. The fairgrounds were rented and the place acted as a clearing center from which the Mexicans were farmed out. The association paid for the necessary changes at the fairgrounds as approved by and to be maintained by the FSA, and the set-up worked very nicely until another individual was sent in to replace the one in charge.

Under the contract, the Mexicans were to be imported for war essential crops, designated by the Secretary of Agriculture. Then in order to keep them busy the association insisted that the contract be broadened to permit them to take care of other crops to keep them busy 75 per cent of the time. This was done. This covers the reason for the letter marked Exhibit 24. The contract was also changed from calling for stoop labor to including them to prepare certain lands for crops such as flax and alfalfa. The Mexicans could also be used on other crops provided they had already been planted.

Difficulties arose when the new head (Craig) wanted to raise the wage scale from 50 cents to 60 cents which had already been established and agreed to by a committee appointed by the Secretary of Agriculture. The contract called for labor for three-fourths of the contract period, then the farmers' association shall pay \$3 a day subsistence. Then Lawrence Hewes, Jr., Regional Director, for the 11 Western States of the FSA took the position that the contract should be interpreted at the end of each week and if any man for any reason is laid off three or four days on account of bad weather, he wanted the association to pay the laborer \$3 a day. The association disliked the changes in supervision causing changes in interpretation of the contract in that the restrictions and necessary requirements to comply with the contract were burdensome as it was. The witness stated: "Now, if you have someone interpreting that contract every 30 days it was different than what it was 30 days ago, everything is in a tailspin and the whole thing is in an uproar. That seems to be the situation here. \* \* \* We shouldn't have all this red tape." He continued that it was necessary for 15 or 16 big growers to put up \$100,000 bond for these men and that a small farmer was unable to do this. The witness felt under the war emergency the arrangement should be more elastic and some of the red tape should be eliminated.

The witness related that, "the first lot of Mexicans were 'green labor' and were contracted for three months while the association's contract was for six months and about 200 were returned after considerable money was spent educating them as to how the work should be done." He stated the cost of importing Mexican laborers was expensive, that it cost the Government approximately \$200 per man. He believed the contract should be simple to make the recruitment of agricultural laborers more available. On the whole, he said, the Mexican laborers were satisfactory except for the 50 or so out of the 1,250 group imported which were returned, and he felt that Mexican labor was the solution to the agricultural labor situation in Imperial Valley. He claimed that among these Mexicans there were some who were good milkers and he thought if some carefully selected were sent to school for 60 days, they would become good tractor drivers.

The witness stated the association would be very reluctant to take any further Mexicans under the present contract because of the lack of confidence in supervision by the FSA. He said Hewes was a "fine fellow," but when they asked to have Craig removed, the next one that came along was more unsatisfactory and they felt further complaining would lead to a bad reputation with Hewes.



SUMMARY OF BERT R. PURDY, FARM IMPLEMENT BUSINESS,  
EL CENTRO, CALIFORNIA

Mr. Bert R. Purdy stated his business was operation of the Edgar Implement Store at El Centro. He related similar difficulties as other implement dealers in the valley, in trying to secure the needed farm help for harvesting purposes. While the allocations for combines had been increased to 50, the WPB had not as yet made any material available for their manufacture.

Asked about hay balers, the witness said that some were to get into production about March 15, but that is about six weeks late for this area. He said the area had about 15 hay balers but needed 40 or 45. The tractor and implement companies being somewhat of a clearing house for tractor men, know of various jobs to be done through farmers' contacts with them, thus the companies are somewhat informed as to the needs of the area. The witness continued that the supply of tractor men was very short and that there were only half enough harvest thresher operators. Repair men for farm machinery were in high demand and practically unobtainable, and repair parts were becoming critically scarce.

TESTIMONY OF L. E. SINCLAIR, RANCHER, FLAX, GRAIN AND VEGETABLES,  
CALIPATRIA, CALIFORNIA

Mr. Sinclair testified he had 1,500 acres of vegetables, 3,000 acres of flax, and 1,500 acres of grain. He related of the Missouri draft board claiming his millman who helped him build the \$20,000 flax mill and with him two years and paying him \$2 an hour and board: of sending reclassification papers and telegrams to this board and of their not answering, but proceeding with induction. The witness stated he even had the California draft board phone the Missouri board which finally agreed to investigate. He said he depended on this man to not only run the mill for his own flax but also to take care of many of his neighbors. He said his local board agreed such an important man should never have been classified in 1A. He said his needs for men ran from 30 to 400, depending on the season, and his peak season was in March. He said he grew 1,000 acres of peas, but anticipating labor shortage and with the recent freeze, he disked 400 acres of peas so he would not need the peak of labor this year. He said he could not obtain sufficient irrigators for planting. He claimed skilled help was needed, that the inexperienced or women and children could not handle the large tractors and other work on this type of farming. He was opposed to the President's suggestion using soldiers for farm labor. He claimed that volunteer-school student labor was incompatible with large scale farming. He said when you pay more than \$1.50 a day you can't afford to use horses or mules, you had to use machinery.

Asked if he had anything further to say, the witness said: "If I can just help to instill something into your committee to do some good from the standpoint of helping us to hold what little bit of experienced labor we have, I will be very happy \* \* \* Is there any help to be gotten to get any of our labor back that they have already drafted?"

Asked about his experience with Mexican laborers, the witness said they were very satisfactory, he had no trouble with them, they hated to leave him and the next men who got them also said they were fine.

TESTIMONY OF M. E. RYAN, MANAGER, IMPERIAL HAY GROWERS ASSOCIATION,  
WESTMORELAND, CALIFORNIA

Mr. Ryan stated the membership represented some 60,000 acres of alfalfa hay for marketing. He said his experience with alfalfa harvesting last summer was "pitiful." "The labor available was limited and the quality \* \* \* poor \* \* \* rates demanded by the labor were so excessive that a man in three or four days' work could make what he would commonly make under normal circumstances in a week." He said rates paid were 8 cents a bale, picking in the field and piling roadside, "although in extreme circumstances as high as 15 cents was asked and paid." Bales weigh from 120-125 pounds, temperatures in the valley range from 100-120° F., making the work back-breaking labor, to which not all types of laborers are able to stand up. Generally Negro labor is used. A discussion took up various operations in baling and related work and the various men needed. The witness believed that the skilled labor needed will be greatly aggravated over that of last year.

He stated the type of men needed to withstand the high temperatures and the heavy baling work would not be here. The wages paid them permitted them to lay off three days a week and still make more than they ordinarily did and on those off days "most of them got soured."

Asked what could be done, if the Legislature could do something to relieve that situation, to regulate saloons or the sale of liquors in the farming communities to ameliorate that condition, the witness said, "Perhaps some regulation of the opening and closing hours of the saloons, particularly over the weekends, would tend to alleviate the condition \* \* \* the curtailing of off-sale liquor."

The witness continued: "Another thing I wanted to point out to your committee, not on the labor situation, particularly, but more on your material situation, is this; that you have a multiplicity of bureaus to encounter whenever you go to get anything done, to get a piece of equipment, to get an allocation of steel or anything like that. In our business we are fortunate enough to be put in the classification of a steel warehouse. We then deal directly with the prime supplier or manufacturer of that commodity, and we go through one agency, I have forgotten which one, to get an allocation and having gotten that allocation nothing can be done by our supplier except on word from the War Production Board that he is permitted to manufacture a certain amount of steel to supply our quota. Now, our quota is very satisfactory, but a quota is no assurance of the supplies being received. The particular supplier with whom we do business happens to be located on the Eastern Seaboard. There is nothing to prevent, as a matter of fact it has been done already, the War Production Board has stated to this supplier to discontinue his manufacture of this item because of his availability to Eastern Seaboard and manufacture some other supplies. I can see why that should be done in case of a war, yes, get the stuff to the Army as fast as they can get it, but there is no counter provision in there to see that the domestic production is maintained. After all, what good is winning the war if you are going to starve."

The witness continued: "Another thing is this: That you have half a dozen agencies making pronouncements on the same thing, which pronouncements are often contradictory. The Federal Department of Agriculture sets up product on goals for the farmers through here and advertising them in their Triple A committees \* \* \* We need that excess production. We are supposed to be getting it. Fine, but at the same time there is so much uncertainty existing in the minds of the farmers who have to do this that they do as Mr. Graham did here today, his men have disappeared and no provision has been made with the draft board to defer the men so he can produce. The program is not integrated."

Asked about the production of alfalfa, he said there would be a decrease of about 20,000 acres, due to uncertainty of production, bad experience with labor last year, and the recent price controls established. A number of alfalfa fields only two years old were ploughed up because of fear of coming labor shortages and manipulation of prices. Flax was being put in because it took less labor to handle than. He mentioned milk production on the down trend; and that he knew of several dairies having gone out of business, the cows sent to the slaughterhouse, because of lack of labor, and the price squeeze.

Discussion was turned to the ceiling price on hay, costs of production, hauling, etc., making the ceiling 87 to 810 below the previous prices, and long distance hauling not taken into consideration on ceiling price; all of which, the witness said, would drive the growers to turn to flax which had a base price, assuring the producers a good return.

The witness continued: "And conversely it is going to deny to Los Angeles, one of the biggest metropolitan areas in the United States, and San Diego, another boom town, it is going to still further aggravate the meat and dairy shortage. I have 15 orders on my desk awaiting delivery in Los Angeles for men who are out of hay. I have seven orders on my desk waiting delivery in San Diego for men who are out of hay and are borrowing from their neighbors, and we just got under the price ceiling here recently. There is no interest in shipping into those areas if we can do better locally without worrying about all the charges and whether we are violating all the OPA requirements."

TESTIMONY OF CHARLES BRAMKAMP, MANAGER, GOLDEN STATE MILK COMPANY,  
EL CENTRO, CALIFORNIA

Mr. Charles Bramkamp said he was with the Golden State Company since October, 1929. He said that the cow population in Imperial County was around 25,000 head in January-February, 1942, and that there were less now, due to the price for milk and the labor problem, some dairymen having given up about 30 dairies closed in last 12 months. The price of milk products was discussed. He cited the OPA ruling whereby a new customer starting to relieve the shortage, had to take a lower price than an old customer already existing, the difference being 17 cents a pound butterfat. He said he was trying to get it clarified with the OPA at the present time, but pointed out this situation as another example of bureaucratic red tape and what the farmers had to struggle under.

TESTIMONY OF ROY M. BELLWOOD, MANAGER, IMPERIAL GRAIN GROWERS,  
BRAWLEY, CALIFORNIA

Mr. Roy M. Bellwood was asked if he had anything to add to the testimony already given by others. He said his problems were very much the same. He said his Association decreased the wheat and barley acreage about 6,000 acres, 15 per cent. He told of difficulty in obtaining bags and of transportation problems being revised in hopes of meeting the coming situation.

## TESTIMONY OF GEORGE WINRIGHT, FARM ADVISER, EL CENTRO, CALIFORNIA

Mr. George Winright said he had been in Imperial County 14 years. He answered questions about the Land Use Planning Committee set up. He said they had four meetings annually and a subcommittee on agricultural labor was established, made up of farmers. This committee carried on until this fall. When the USDA War Board established on a county level, this committee became the sub-committee of the WLB. The discussion continued through the various changes under new heads.

Exhibit

## A Summary of the Food Labor Conference Held in the State Capitol

SACRAMENTO, CALIFORNIA, MARCH 6, 1943

*Those present, including guests of the committee, were:*

Arthur Coats, Legislative Counsel Bureau	Stan Daley, president, Associated Farmers
Fred Wood, Legislative Counsel	A. E. Billenger, California State Federation of Labor
I. H. Pfaffenberger, attorney, California Farm Bureau Federation	George Sehlmeier, California State Grange
Ray Wiser, president, California Farm Bureau Federation	Stuart Strathman, executive secretary, Associated Farmers of California
George Hatfield, State Senator	R. J. McClain, Associated Farmers of California
George Luckey, State Senator	Frank C. Latham, Farm Bureau
H. P. Donnelly, State Senator	A. R. White, Dried Fruit Association
Frank W. Mixer, State Senator	W. C. Jacobsen, State Department of Agriculture
Fred Weybret, Assemblyman	George Hecke, farmer (former Director of Agriculture)
Earl Neel, president, California Processors and Growers	Stewart Walsh, Attorney General's office
E. G. Williams, secretary, Grocery Distributors Association of Northern California	Sidney Weinstock, Legislative Counsel's office
W. D. Hadelor, secretary, California Retail Growers and Mercantile Association	Perry Taft, Attorney General's office
Alfred Lentz, State Department of Education	William Sweigert, secretary to the Governor
A. A. Douglas, State Department of Education	Walter Koetitz, Division of Immigration and Housing
Lee Bashore, Assemblyman	Oscar Fuss, Congress Industrial Organization
Harvey Hastain, Assemblyman	
Lloyd Lowrey, Assemblyman	

Chairman Wiser stated the meeting was called at the suggestion of the Governor of California for the purpose of discussing the labor problem to develop State legislation to coordinate the recruiting, transportation, housing, and placement of farm labor, since it became evident that some new agency should take care of the labor needs due to the many changes in the governmental agencies causing lack of continuity and uniformity in approaching the problem.

A report of the preliminary conference held in San Francisco, February 26, 1943, was given outlining suggestions for legislation setting up a farm labor placement agency. Three farm labor bills already introduced in the Legislature were reviewed. It was the belief of the group that, "It is California's first responsibility to do everything within her power to help herself, thus relieving, insofar as possible, the pressure upon an overworked Federal Government."

Witnesses reported dissatisfaction with the operation by the Farm Security Administration in the importation of Mexican nationals. Farmers were urged to go ahead on their own and not hold up plans due to delay in Government organization. Simplicity of operation of a labor program was urged by the witnesses: recognition by Washington officials of the differences in California agriculture compared with that of other States, and the need for retaining the skilled agricultural labor. They also suggested greater effort in coordinating volunteer labor, housing for agricultural workers, discontinuance of pirating workers, and that a head should be appointed to definitely have power to act and act immediately.

The afternoon session took up the prepared chart and bill in an effort to correlate the activities of the many agencies dealing with the farm labor problem and to assist in moving forward on it. The aim was to provide one central place to which farmers could look for farm help.

The proposed bill, entitled "Agricultural Labor Emergency Act," was read. It provided for a State Farm Labor Coordinator appointed by the Governor, and set up provisions to establish regions, as well as to appoint local supervisors, advisory committees for participation of farmers and others familiar with agricultural labor needs, to make rules and regulations, to consider cooperation between the State and Federal agencies, to enter into agreements, and to employ the necessary help toward making



available agricultural workers. The bill also provided for funds to carry out the act.

Changes suggested at this meeting were to reduce the broad powers the bill gave to the Governor, and to include in the definition of "agricultural labor" the processing side also, and that assistance be given in securing necessary farm machinery.

Considerable discussion was given to the various problems pertaining to agricultural labor, production of food, and harvesting, and also to the problems involved in setting up an agency to recruit farm labor.

At the suggestion of Senator Hatfield, it was decided to discuss the bill with the Legislative Counsel and to have another meeting of the group before it was to be introduced into the Legislature.

#### Exhibit

#### Summarized Testimony of the Hearing Held on February 17, 1944, El Centro, California

Present: Senator Bradford S. Crittenden, Senator George I. Hatfield, Assemblyman Harvey E. Hastain, Assemblyman Lloyd Lowrey, Assemblyman Lee T. Bashore.

The first meeting of 1944 of this fact-finding committee was held in the Imperial Valley to ascertain the agricultural and labor problems in this area.

Mr. W. R. Batley, District Manager in Imperial County since 1926 for the Western Fruit Growers, a vegetable, citrus and deciduous fruit growing and shipping concern with headquarters in Los Angeles, was the first witness called to testify.

#### Summarized Testimony of W. R. Batley, District Manager, Western Fruit Growers, Imperial County

Mr. Batley stated this concern grew and shipped lettuce, cabbage, carrots, melons, endive, and other vegetable crops and from 1926 to the present time had a minimum of 2,000 and a maximum of 5,000 acres of these crops. This year it has 1,000 acres of vegetables and 1,000 acres of melons.

He claimed an over-production of lettuce and cabbage which his concern was now shipping. He stated that due to the sending out of this country 10,000,000 people consumption of produce is also lowered. He quoted Robert Taylor, head of the Cooperative Fruit and Vegetable Association of Washington, D. C., that "seed sales to victory gardeners was running about 30 per cent ahead of a year ago \* \* \* victory gardens are increasingly important in our wartime food program, \* \* \* in 1942, 15,000,000 victory gardens were planted \* \* \* In 1943, 18,000,000 gardens are asked and there were 20,000,000 \* \* \* produced 8,000,000 tons of food, nearly 40 per cent of all vegetables grown for fresh consumption in the United States \* \* \* some 4,000,000,000 jars of food were canned last year. This great achievement in home food production and preservation did not in the least interfere with the output of commercial growers and canners \* \* \* This year's victory garden goal is 20,000,000 gardens and 10,000,000 tons of food."

Another report Mr. Batley quoted announced a requested increase in vegetable production of 10 per cent above 1943 with special emphasis on those vegetables providing Vitamins A and C.

Mr. Batley quoted another report showing "cabbage accounts for a large part of the increase in production over 1943," and he continued with quotations of other increases in acreage of various vegetables. From another report, he told of the Office of Distribution of WFA sending out a telegram to the various trade associations of food industry and retail, wholesale and terminal market sales outlets as follows: "Administrator Marvin Jones has approved the designation of cabbage as a Victory Food Selection period February 24th through March 4th. During that time cabbage may be featured as Victory Food Selection nationally."

The witness continued that "latest crop estimates indicate that the largest winter crop of green cabbage ever raised in the United States is now going to market. It was estimated to be 85 per cent larger than last year's and 52 per cent larger than the record harvested production of 1942 when more than 97,000 tons remained unharvested because of poor market conditions."

The witness cited other estimates and reports concerning cabbage and beets, also lettuce, to show that over-production was not only apparent in Imperial Valley but nationally. He referred to Los Angeles Times article of February 15, 1943, headed "Cabbages Glut Local Market." He told of Southern California's publicity campaign to popularize various cabbage dishes as a means of moving the surplus and saving the prospective loss to growers. He related similar surplus of potatoes due to a breakdown of the vegetable dehydration program because of refusal of servicemen to eat dehydrated vegetables.

Discussion was given to dehydration of various vegetables and amounts needed.

The witness stated his sales on everything he was shipping to the Army were about 50 per cent less than a year ago. He presented a report on carrot figures.

The price received for the commodity, stated the witness, was what caused over-production. His testimony revealed insufficient lettuce on the Southern California retail markets, yet a low price to the grower, indicating the system of marketing and distribution should be corrected.



Asked how his concern disposed of its produce, the witness said it was sent to the Los Angeles Terminal markets, about 50 per cent being sold on f.o.b. shipping point.

Questioned as to these jobbers manipulating the market by refusing to buy, thus depressing the price, the grower becoming desperate, and then the jobbers buying and marking up the price, the witness said that while he could not swear that was the truth, circumstances did point in many directions that certain manipulation had been accomplished in the marketing of various vegetables.

Considerable discussion was given to the price to the grower, cost of handling, the commission, and ultimate retail price which showed quite a margin, and it was thought that lettuce for instance should sell for around 3½ cents to 4 cents with a legitimate profit for everyone along the line instead of at 8 cents.

The witness acknowledged that prices had not been lowered as soon as they should have been in times of surplus, and from the testimony concerning costs, it became apparent that the Imperial Valley growers were confronted with a decline in the market whether it was due to over-production, lack of marketing facilities, ability to move produce in adverse weather, or other factors.

The witness related that "The market in the late thirties blew up \* \* \* and we plowed up a third of our remaining crops to create a scarcity in order to improve our market conditions \* \* \* but in most cases it didn't do us any appreciable good." He believed control of surplus was at time of planting. He cited conflicting directives: Washington requesting a 10 per cent increase over 1943 in vegetable production and the available shock would be only 80 or 85 per cent of that available in 1942.

The witness told about attending the January 5th and 6th War Board meeting at Berkeley where Chairman Davidson presented a picture of scarcity of materials in connection with vegetable production. His interest he stated was in Directive L 232 concerning where he was going to be able to get more shock to ship the cantaloupe crop from the valley to the market. He said he felt his time was wasted in going to the meeting in that "They absolutely had nothing constructive."

Exhibit

**A Summary of Growers', Managers of Production Associations', Public Officials', and Others' Testimony Before the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor Appointed by the California Legislature**

HEARING—LOS ANGELES, FEBRUARY 21-22, 1944

Present were: Senator George Hatfield, Chairman; Senator Bradford S. Crittenden, Assemblyman Lee T. Bashore, Assemblyman Lloyd W. Lowrey, Assemblyman Harvey E. Hastain.

Chairman Hatfield opened the hearing by stating it was in relation to the situation of the Farm Production Council, created by the Food and Fibre Production Act. He continued that the Governor had informed this committee that the funds of the Farm Production Council would be exhausted about June 30th and that he (Governor) intended to call for additional appropriations for the continuation of the work of the Farm Production Council. It was deemed advisable to have this Committee ascertain whether or not the farmers are satisfied, if they want the work of this Council continued, if they favored appropriation of additional funds, if they felt additional activities should be included, and related sentiments.

Witnesses on February 21-22, 1944, included the following:

Robert Beardsley	Farmer, President, Ventura County Farm Bureau, three Years	Ventura County, California
Leonard M. Kearns	Chief, Food Price Section, OPA	Los Angeles, California
Joseph Bradfield	Federal Official	Los Angeles, California
Tim Cleugh	Vegetable Grower, 160 Acres	S. P. Bldg., Norwalk, California
Paul Thornton	Farmer, Entire Life, 1637 E. Whittier Blvd.	Whittier, California
E. C. Kimball	Farmer, Walnuts, Lemons, Oranges, Avocados, 196 Acres	Ventura, California
Henry Hepner	President, San Gabriel Valley Labor Association, Manager, Covina Orange Growers Association	Covina, California
J. P. Butler	Rancher, President, Los Angeles County Farm Bureau, 10500 Santa Susanna Blvd.	Chatsworth, California
Robert O. Price	Citrus Grower, 36 Years, Representing County Farm Bureau, 2370 Euclid Ave.	Upland, California

Witnesses on February 21-22, 1944, included the following—Continued.

Henry L. Lucas	Secretary, Lucas Ranch Co., 1,150 Acres (Dairy, Fruit, Citrus), President, Southern California Farmers' Association, 701 W. Nevada	Ontario, California
Roy Sebring	Secretary-Treasurer, Farm Loan Association, Grower 20 Acres	Chino, California
Milton Frater	Walnut Grower, 90 Acres, 1705 N. Towle Ave.	Pomona, California
E. Roy Nash	Manager, Commissary Dept., Citrus Growers, Inc., 506 N. Los Angeles St.	Anaheim, California
Ralph H. Taylor	Executive Secretary, Agricultural Council, 1400 Tenth St.	Sacramento, California
Camille A. Garnier	Field Crops Representative, California Farm Production Council, Farmer	Puente, California
Gordon Lyons	Representative of Sugar Beet, Asparagus, Tomato Growers, 145 S. American St.	Stockton, California
S. E. Goodall	Secretary, Los Angeles County Farm Bureau, 129 W. Second St.	Los Angeles, California
A. J. McFadden	Member, State Farm Production Council	Santa Ana, California
William B. Parker	Director, California Farm Production Council	Berkeley, California

#### SUMMARIZED TESTIMONY OF ROBERT BEARDSLEY, PRESIDENT, VENTURA COUNTY FARM BUREAU, AND FARMER, VENTURA COUNTY, CALIFORNIA

Mr. Robert Beardsley stated his organization appreciated all the work done by the California Farm Production Council and felt that it had given much assistance in the harvesting of the crop in this county last year. He cited instances of the immediate needs, quick action in securing camp equipment, and young women to help in harvesting the apricot crop without any loss, and that the group stayed on to assist in planting of tomato plants. He estimated the short 1943 crop harvested to have been 60 per cent of last year's, but was worried over the additional assistance needed for 1944 if the crop was normal. He said there was some loss in harvesting the 1942 crop due to lack of help, but got through 1943 all right. Other assistance given by the Farm Production Council was the construction of a camp for 325 Mexican nationals furnished for harvesting walnuts and lima beans. All voluntary help was used to save the walnut crop, for "if it had not been for the additional Mexican nationals we would never have gotten the crop in," stated the witness. He related quite a loss in the 1942 walnut crop due to quality because the crop wasn't picked off the ground when it should have been which was because of lack of labor. He added, "We can truthfully say there was no loss of food crops in Ventura County due to the lack of labor last year," and attributed this to the Farm Production Council assistance which saved many thousands of dollars worth of edible foods. He said, "We are hopeful the California Farm Production Council will continue to operate."

Asked the farmers' opinion regarding daylight saving, the witness replied, "they would like to see it go back to standard time, particularly during the winter season." Reasons, he said, that animals live according to sun-up and sun-down rules, feeding and milking were done certain hours; there was no saving of electricity and power, and it was confusing to the farmer in conforming to it.

The witness said from 2,500 to 3,000 migratory workers are needed in Ventura County every year during harvest seasons which start in August and run through to November. He said the Extension Service Farm Labor offices set up in various districts in this county were of valuable assistance and avoided farm losses last year. In this way labor was kept moving from one finished job to start another without loss of time. He said Ventura County had very good success with the Mexican national labor. One criticism he offered was the desire for more jurisdiction over keeping them from moving or shifting to other agricultural work to take advantage for three or four days of a little more money. He said his group were very desirous of having the Mexican nationals' assistance continued; and he felt "without them the farmers of California would not have been able to harvest essential war food stuffs in 1943."

SUMMARIZED TESTIMONY OF LEONARD M. KEARNS, CHIEF, FOOD PRICE SECTION, OPA,  
LOS ANGELES, CALIFORNIA

The committee sought information on alfalfa seed prices and called Leonard M. Kearns of the Los Angeles OPA office to explain them. He explained that the (9, 23/43) No. 471 regulation was prepared after consultation with the Agricultural Department and the War Food Administration, Lend Lease, and the industries and advisory committee appointed to assist the OPA in writing them. He stated the western representative was Mr. Schoenfeld of the Germain Seed and Plant Co. of Los Angeles. Discussion followed concerning growing areas of alfalfa seed, the 28 cents a pound price set as of July 15th, \$1 a hundred pounds for cleaning, \$3 processing charge, etc. "The Secretary of Labor has the responsibility to tell the OPA the parity price," the witness explained, "and parity includes the farmer's entire cost to produce."

The chairman asked for an explanation of the conditions in Imperial Valley where alfalfa seed was bought anywhere from 50 cents to \$1 above the grower's price and then, as a result of the OPA regulation, they were paying about \$7 or \$8 more a hundred pounds, and the witness quoted a statement of considerations designing "the regulation to take care of the historical margins at all levels of distribution," and added that from the number of complaints his office had had, he was of the opinion these mark-ups were too high for distributors in this area.

Prices in the various areas in California were discussed. Testimony developed that under the price control, the grower, even though paying for processing and the various items before ready for sale, could not retail his product if he wished, that the only way he could sell it in the market at the market price would be to open up a wholesale headquarters and a retail store.

## SUMMARIZED TESTIMONY OF JOSEPH BRADFIELD, REPRESENTATIVE OF THE OPA

Mr. Joseph Bradfield continued a discussion on price regulations after the testimony of Leonard M. Kearns, Chief, Food Price Section of the OPA, Los Angeles. He stated when regulations were drafted, an advisory committee meets with industry and the findings are turned over to economists from universities for analysis which is made into a brief. He said much of the information this committee sought on price bases would be in such briefs. When the chairman asked for a copy of the brief, the witness said they were filed in Washington.

Asked where the farmer entered into the deal, the witness replied, "The farmers' representative is the U. S. Department of Agriculture."

The chairman asked: "In other words, the farmer is not represented?"

The witness replied: "I think he is, through the Department of Agriculture."

SUMMARIZED TESTIMONY OF TIM CLEUGH, VEGETABLE GROWER,  
NORWALK, CALIFORNIA

Mr. Tim Cleugh stated he farmed about 160 acres growing principally rhubarb, cabbage, cauliflower, and turnips.

Asked what information he could give about the Farm Production Council operations he related it originally handled the Mexican Nationals' deal now handled by the WFA. There was now a camp at Artesia formerly an abandoned Army camp barracks brought from North Long Beach, the cost of which was donated by farmers. He said there were not enough men to take care of the farmers' needs, 160 being the most to be had at one time. He said he had seven and as high as 10 and found the majority very good workers and a help to him. He said he desired to see the activities of the Farm Production Council continued, and that the Legislature should appropriate additional funds for the continuance of its operation. Had this area not had the assistance of this organization, "it would have hurt the packing considerably. He said they had some men from Oklahoma and Arkansas but if it hadn't been for the Mexicans they would have lost quite a bit of the crop."

The main reason he had no crop loss in 1942 was that poor growing weather caused a subnormal crop. He said he got his Mexicans through the Extension Service but contacted directly with the camp through Mr. Thornton. The transportation of the Mexicans to the farms from the camp was supplied by the farmers. He agreed there was a harmonious relationship between the Food and Fibre Council and the Extension Service as it now functioned.

SUMMARIZED TESTIMONY OF PAUL THORNTON, FARMER, 1637 E. WHITTIER BLVD.,  
WHITTIER, CALIFORNIA

Mr. Paul Thornton said he was a farmer all his life and he had opened up the Agricultural Extension Office in Bellflower July 1st of this year and was operating the office and supplied farmers with labor. He said there had been a "great shortage of labor and because the Farm Production Council was able to step into the picture and provide housing in Artesia and cooperate in bringing in men, we were able to bring in at the peak time I think about 160 men in the camp. And because we had



a camp we were able to furnish the McNally Ranch with about 120 Mexican Nationals to save the olive crop. There was no great loss in our district for lack of labor, but there would have been if we hadn't had the Mexicans."

The witness added that there was beyond doubt a definite need to continue the activities of the Farm Production Council and that the farmers of his district would whole-heartedly endorse it. He said that farmers in this area are situated near the Vultee and Douglas Aircraft plants and other concerns of that nature and the farms had to compete with them for local labor which they couldn't do. He said they had "splendid cooperation" from the Farm Production Council. He related the council's bringing in barracks buildings, mess halls, kitchens, toilets, and supplied each man with a bed or cot, and operated the camp, furnished a manager and advised the nationals. The council charged for it but they gave the necessary supervision. The farmers were well pleased, and he agreed that it could be successful in peice time as well to assist in furnishing farm labor where we have the migratory labor problem.

SUMMARIZED TESTIMONY OF E. C. KIMBALL, CITRUS GROWER,  
VENTURA, CALIFORNIA

Mr. E. C. Kimball said he farmed 196 acres growing walnuts, lemons, oranges, and avocados and that he was chairman of the Ventura Farm Labor Committee.

He stated from his observation and experience, "the farmers are very appreciative of the foresight and wisdom that the Legislature evidenced in enacting the Food and Fibre Act under which the California Farm Production Council was established. They were also appreciative of the accomplishment in coordinating the State and Federal agencies dealing with the same problem. He said it has been a stabilizing influence in the agricultural labor situation and helpful to small operators with seasonal peak demands for labor and not able to provide housing, etc."

The witness further stated that the people in his area were very much in favor of a continuation of the activities of this council and would favor additional appropriations by the Legislature.

He said the citrus people were somewhat concerned about the shook situation, but so far had had what they needed.

SUMMARIZED TESTIMONY OF HENRY HEPNER, MANAGER, COVINA ORANGE  
GROWERS ASSOCIATION, COVINA, CALIFORNIA

Mr. Henry Hepner said he was President of the San Gabriel Valley Labor Association comprising nine packing houses, formed for hiring agricultural labor, particularly Mexican nationals. He said the California Farm Production Council established a mobile camp at Puente last fall for the walnut and vegetable growers in the Puente and Covina areas. After the walnut growers got through with the camp the citrus group started to rent the camp from the State.

He said their relations with the Farm Production Bureau had been very good, saved them a lot of money because they furnished the housing and war materials they would otherwise not have been able to get.

He said last year the council provided supervision of men who supervised the school boys doing agricultural work which was successful as could be with school boys, but they early saw they would have to have the Mexicans as they could not entirely depend on voluntary and school labor.

The witness said very definitely it was the sentiment of his association and other citrus packing houses as well "that the Farm Production Council is very vital and necessary. It furnishes labor to vegetable growers that help the whole pool of labor."

Asked how much acreage his association covered, he estimated 8,150 acres of citrus in the San Gabriel Valley. While his association did not handle vegetables, he said the Puente area comprised of at least 5,000 or 6,000 acres. His association had entered into an agreement with the La Puente Valley Walnut Growers Association to cooperate with them in the use of the Mexican nationals at the close of our harvest season.

The witness said they were worried about the shook situation, that they had been using old boxes more than ever before to help the situation. They had a stricter proration of cars of shook than before. Previously they could order all the shook they wanted and the supply companies would get it for them, but now they had to take a car when they could get it. They had to use less paper wraps (80 per cent of last year's usage) on the oranges and they were worried about that because navel oranges do not ship well without wraps, getting scored, turning brown, arriving in a very unattractive appearance.

With regard to daylight saving, the witness said the farmers were not very enthusiastic about it, that the dew on the trees prevented them from going to work according to daylight time and at the end of the day stores were closed which put the packing houses at a disadvantage also. Many of their packers were mothers, housewives who wanted to get home to shop.

The witness said their Mexican help was obtained through the extension service and was working very satisfactorily. He said in 1942 when they were losing their crops through lack of agricultural labor, they had been using voluntary labor, Free French groups, casual labor, schoolboys, service club people, but they didn't have



enough and "When the Extension Service took over the Farm Labor Placement program and the Farm Production Council commenced to operate and then the Selective Service Board give us a little more consideration on deferments, our situation improved." It appeared, he said, that the labor program would have to be increased due to boys between 18 and 25 to be drafted.

SUMMARIZED TESTIMONY OF J. P. BUTLER, RANCHER, 10500 SANTA  
SUSANNA BLVD., CHATSWORTH, CALIFORNIA

J. P. Butler stated he was President of the Los Angeles County Farm Bureau. He testified the daylight saving "has been certainly a bugaboo in the farmers' program of work. The shorter store hours gave no opportunity for the agricultural laborer to get a little shopping done on the way home or get into town unless he quit early to do it. He had a request for a steady ranch hand with the Extension Service for three months with still no takers. He said if it had not been for the Mexican nationals, the citrus packers would not have been able to get the crop in.

He felt there should be a sufficient appropriation to cause as many Mexican nationals to be on the job as there was the past year. He said two years ago without them he personally lost 100 tons of tomatoes; he just couldn't get them packed. The volunteer labor was insufficient and not satisfactory; they meant well, but did not understand picking tomatoes, destroying half as many as they picked in just putting them from the pail into the can.

SUMMARIZED TESTIMONY OF ROBERT O. PRICE, CITRUS GROWER,  
2370 EUCLID AVENUE, UPLAND, CALIFORNIA

Mr. Robert R. Price testified he had been a citrus grower for 36 years and was chairman of the County Production Labor Committee and also represented the County Farm Bureau. He reiterated the testimony of others before him that he considered it absolutely essential additional funds be provided the Farm Production Council to carry on after June 30th, to save the crops in his county. He said the camp in Chino taken over by the Farm Production Council, holding about 300, furnished labor for that whole section covering general farming and walnuts. It now has 150 Mexican nationals contracted for by the different farmers and some of the citrus growers in the citrus belt. He added, "Without these Mexican nationals it would have been impossible last year to save the citrus crop. They are absolutely essential. We have only a few of the local help employed."

The witness said he thought they would be able to get the navel orange crop harvested with the present supply of Mexicans and the 500 Italian prisoners located at Cucamonga.

SUMMARIZED TESTIMONY OF HENRY L. LUCAS, SECRETARY, LUCAS RANCH  
COMPANY, 701 WEST NEVADA, ONTARIO, CALIFORNIA

Mr. Henry L. Lucas stated he operated a family farming corporation of 1,190 acres in the Chino Valley, 400 acres of dairy with 450 head of dairy cows, and a fruit ranch at Cucamonga composed of apricots, peaches, walnuts and grapes and citrus. He added he was President of the Southern California Farmers Association, 21 farmers organized to acquire workers for farm work, making contracts with the Federal government for Mexican labor.

He said indirectly they worked with the Farm Production Council, getting considerable information as to how to facilitate the manipulation of labor and to rent cots and other equipment for the Italian prisoners at the Cucamonga Camp. He said the cots were ordered on Thursday afternoon and were there by Saturday morning when the prisoners arrived.

The witness related experience with Mexican nationals contract that "the men got up and went at any time they wanted to. We were supposed to have 400 Mexicans the day before the prisoners came and we got down to 150 and there were no more available." Realizing they were going to be short of help, his organization reopened the question of Italian prisoners and applied through the Extension Service for 400, and after some office to office negotiating in Los Angeles, the matter was referred to the Army which phoned shortly if 500 of them could be handled Saturday morning (January 20th).

Asked if he found the Italian prisoners' work satisfactory, the witness said, "Yes and no." He thought the method of handling them had a great deal to do with it. He said, "They are very interested in the work, fairly high in intelligence, and they want to know why they do things this way and that way, they are very sensitive, which we might readily understand. They have been kicked around, I suppose.

"Most of the prisoners were captured in Africa and some of the boys have told us that even as close as they were to Italy, they have not been able to get back home for three years. All in all they are happy to be here, I think, but there is a lot to worry about. Some of them have families they haven't heard from in three years. It seems to the extent the growers are able to keep the men interested in the work they are doing, and off their personal troubles, they seem to be very satisfactory. They are careful, and try to please, but they don't work very hard."

Asked if they are as good as the Mexican nationals, the witness said: "In some ways, yes; in some ways no. As far as the carefulness of work is concerned they are as good and probably a little better than the average. As far as the amount they accomplish, they are not so good." He said they had no trouble with the prisoners trying to get away or any other difficulty. The prisoners were under Army guard. The prevailing wage was paid directly to the Army and the Army paid the prisoners 10 cents a day whether they work or not, according to the Geneva regulations, and if they worked 80 cents for eight hours; that is in coupons usable at the camp PX.

The witness felt that looking at it over a State-wide point of view, the Farm Production Council should be continued. His interest in it was from the standpoint obtaining Mexican nationals, he said there were doubtless hidden benefits from the Farm Production Council and its moral support gave much encouragement to the farmers in trying to help figure out the labor problems in this area. He related the labor shortage in 1942 and the improvement of the situation in 1943 through less loss of crops. He also related the beneficial assistance the county committee gave in getting together and in coordinating the ideas of the farmers who are by nature independent.

The witness reiterated his plea for a change in the daylight saving hour.

#### SUMMARIZED TESTIMONY OF ROY SEBRING, GROWER, CHINO, CALIFORNIA

Roy Sebring stated he was a farmer and was secretary-treasurer to the Farm Loan Association, also a member of the San Bernardino County Farm Production Labor Committee.

He was asked to give a statement concerning the viewpoint of the growers and farmers in his area with relation to the farm labor situation and the Farm Production Council. He said he had heard no criticism in his district, that the arrangements to harvest the crops had worked out well, and that they thought the committee absolutely essential. He said the Farm Production Council had gotten the labor out where it was needed and gave prompt action. He said this was particularly true when the harvest crisis was reached on walnuts and tomatoes, 300 Mexican Nationals were brought in immediately which saved both crops. This was in contrast to the severe losses in tomatoes especially in 1942 due to lack of help.

The witness added that daylight saving was not looked upon with favor by the farmers.

He definitely favored the good cooperation with the Extension Service in securing quick action on supplying agricultural help.

#### SUMMARIZED TESTIMONY OF MILTON FRATER, WALNUT GROWER, 1705 NORTH TOWNE AVENUE, POMONA, CALIFORNIA

Milton Frater testified he was a walnut grower, having 90 acres, and a member of the Los Angeles Farm Production Council Committee. He related the benefits derived from the Farm Production Council in setting up labor camps, organizing the farmers, assisting in drawing up contracts, and arranging for Mexican Nationals, thus giving unorganized groups of farmers an opportunity for obtaining help. He was in favor of continuing appropriations for the Council to carry on to provide more Mexican Nationals and agricultural laborers. More agricultural laborers could have been used in 1943. The farm production situation was much easier in 1943 over 1942 due to the better conditions in securing labor. The witness said his area had a few Indians from the Arlington reservation but said they were not so good as the Mexican Nationals.

Mr. Frater said he was opposed to the daylight saving time.

#### SUMMARIZED TESTIMONY OF ROY NASH, MANAGER, COMMISSARY DEPARTMENT CITRUS GROWERS, INCORPORATED, ANAHEIM, CALIFORNIA

E. Roy Nash said previous to his coming with the citrus growers, he was connected with the feeding program for Mexicans in the Northern part of the State and he had daily contact with the California Farm Production Council which proved very pleasant and of much assistance, particularly in supplying housing equipment and maintaining several camps in the northern area. He said his contacts with the farmers pointed very favorably toward the Farm Production Council.

The witness stated his large organization was unable to obtain certain merchandise and the only means of obtaining it was through the Farm Production Council Supply.

#### SUMMARIZED TESTIMONY OF RALPH H. TAYLOR, EXECUTIVE SECRETARY, AGRICULTURAL COUNCIL SACRAMENTO, CALIFORNIA

Ralph Taylor stated he represented 32 different commodity farm organizations with a membership close to 70,000 growers. He said there were tremendous difficulties due to the daylight saving problem, both in winter and in summer, and he had received many complaints, estimating a reduction in working time about 10 per cent. In the winter it is a problem of being able to see in the early hours of the morning and in the summer having to wait until the dew is off and fruit on trees has dried before

picking. Parents objected to children on streets or roads in the dark mornings enroute to school in great danger of being killed. It was difficult for farm people to see where there was a saving of power; they felt rather that more was being used because they turned on power earlier to provide heat and light in the early cold hours. He said his contacts in the east indicated the situation is no better there.

The witness stated his organization had already gone on record as opposed to daylight saving time in California.

SUMMARIZED TESTIMONY OF CAMILLE A. GARNER, FARMER, AND FIELD CROPS  
REPRESENTATIVE OF THE CALIFORNIA FARM PRODUCTION COUNCIL.

Garner, reviewed the activities of the Farm Production Council for the last year. He outlined the projects undertaken for the present period and plans beginning January 1, 1944.

The witness said after the war there would be large lots of surplus properties available, and continuance of this agency or formation of some State agency, to negotiate for purchases of such properties would assist agriculture in this State because it would be impossible for the individual farmers to bid on the large lots called for.

Transportation facilities were increased by the Farm Production Council, averting a grievous shortage in certain areas and saving perishable crops. The witness also related the many instances of delving through the red tape in Washington, D. C., and getting the necessary procedures working in time to be of benefit to California farm production. One instance of cooperation received from the USES was during a critical situation which arose in Santa Clara County in the pear and peach canning season when the cannery asked the Governor to suspend the child labor laws to permit employment of minors and attempts were made to canvass the area for volunteer workers. The witness said the USES made a drive through the use of sound trucks to appeal to people on the street to volunteer to completely man the 29 canneries in the operation.

The witness stated that the Farm Production Council desired to assist the individual farmers, whether he was a member of an organization or not, processor, canner, or handler of farm commodities.

He reported the council had received over 3,900 Mexican Nationals and provided the housing of them. It had 33 separate camps, 22 of which were mobile units.

Upon the completion of Mr. Garner's comprehensive report of the expenditures and activities of the California Farm Production Council, the Chairman called for William B. Parker, Director of the Farm Production Council, and A. J. McFadden a member of the council to testify further about the work of the Council.

SUMMARIZED TESTIMONY OF GORDON LYONS, MANAGER OF SUGAR BEET GROWERS  
ASSOCIATION, 145 SOUTH AMERICAN STREET, STOCKTON, CALIFORNIA

Mr. Lyons represented the Sugar Beet Growers Association of California and said that this organization handled its own labor as far as the Mexican nationals were concerned. The same was true of the Asparagus Growers Association and the tomato growers.

He pointed out that even though these organizations did handle their own help, they felt their job was much easier due to the housing and labor pools provided by the Farm Production Council and while these organizations were able to look after their own labor interests fairly well, they didn't know when they might find it quite necessary to call on the council for help. He said the industry favors additional appropriation for continuing the activities of this council.

SUMMARIZED TESTIMONY OF S. E. GOODALL, SECRETARY OF THE LOS ANGELES COUNTY  
FARM BUREAU, 129 WEST SECOND STREET, LOS ANGELES, CALIFORNIA

Mr. Goodall reported that the City of Los Angeles Bureau of Power employees' strike coincident with an electrical storm had taken from service certain circuits in the San Fernando Valley, largely agricultural districts, involving poultrymen and dairies, and hatcheries of 250,000 chick capacity. The eggs became cold and were lost, some 100,000 brooder chicks cold and many were dead. Lack of electric lights caused reduction of about a million eggs within a day or two. He estimated some 2,000 dairy cows going unmilked.

Various State and Federal officials were contacted and this committee promised a meeting to give the matter proper consideration.

The committee went into an executive session and sent a telegram to the Governor of California, the Mayor of Los Angeles, and E. P. Taylor, Business Agent of the International Brotherhood of Electrical Workers, Los Angeles, urging immediate action to prevent further impairment of production of essential food in the important war production center on the Pacific Coast.



**SUMMARIZED TESTIMONY OF WILLIAM B. PARKER, DIRECTOR, CALIFORNIA FARM  
PRODUCTION COUNCIL, AND A. J. MCFADDEN, MEMBER OF THE COUNCIL,  
SACRAMENTO, CALIFORNIA**

Mr. McFadden presented the committee with a budget to begin July 1, 1944, to June 30, 1945. He said on the basis of the unknown needs when the council started and the knowledge and experience since its inception, the proposed budget was a much more rational estimate of the money needed.

The witness stated \$14,000,000 worth of crops weren't harvested in 1942 while in 1943 none was lost with the State's expenditure of \$2,000,000, putting us ahead \$12,000,000 on that basis. Federal assistance was received because the State got in and helped itself, thus receiving about \$8,000,000 to \$10,000,000 more than we did last year.

Mr. Parker stated he had a record made of his testimony before the House Committee Hearing in Washington showing that California tried to help herself and, therefore, we were entitled to certain consideration in this State that might appear out of line with other States.

Mr. McFadden pointed out that, "the projects carried out by the Farm Production Council have had a value which will carry into the future in showing the farmers how they can help themselves—They have gotten away from the idea that you have got to call on Uncle Sam for everything."

Mr. Parker said that California farmers had used over 28,000 boys and girls under 18 years of age on the farms up to October 30, 1943, and they did a much better job this year than they had ever done before, because of paid supervision provided by the council.

Mr. Parker pointed out that, "the overall crop increase requested by the Federal Government for the entire United States is about 43 per cent over 1943. California had a decrease of 7 per cent in 1943 as against 1942, so we will have to come up to about 11 per cent over 1943." He said the labor picture didn't look so good in view of Michigan asking for 18,000 Mexicans more than they had in 1943, Rocky Mountain States requesting 26,000 more, and Washington and Oregon wanting 20,000 more. If the Federal Government increases the farm machinery allotment and the farmers get the crops planted, Mr. Parker felt the Government goal could be met. The harvest problem would, of course, be accentuated to the extent of wanting the number of Mexican laborers increased.

The 85 per cent limitation of shock situation was brought up, and Mr. Parker said the President signed a bill (February 15, 1944), which provides money for importation of timber cutters, and this would provide raw materials such as shock.

The chairman stated the committee intended to hold hearings before the special session in Northern California and wanted to study the reports and estimated budgets submitted and asked Mr. Parker to appear at that time to answer more detailed questions.

Mr. Parker was to submit the proposed budget to the Department of Finance and to the Governor for consideration.

## APPENDIX

### Exhibit 1

#### Cooperative Agreement for Extension Work in Farm Labor Supply and Distribution in the State of California

THIS AGREEMENT, Made this 3 day of May, 1943, between the War Food Administrator, U. S. Department of Agriculture, hereinafter called the "Administrator," and the Cooperative Agricultural Extension Service of The University of California, hereinafter called the "Extension Service,"

**WITNESSETH:**

WHEREAS, The Administrator and the Extension Service desire to assist in providing an adequate supply and distribution of workers in the State of California, hereinafter called the "State," for the prosecution of the war, in accordance with Section 2 of the Joint Resolution of the Congress making an appropriation for such purposes (approved April 29, 1943, 78th Congress, 1st Session), hereinafter called the "Joint Resolution."

NOW, THEREFORE, In consideration of the undertakings set forth below,

**1. The Administrator agrees:**

a. To apportion funds to the State, on the basis of need, in such amounts and at such times prior to December 31, 1943, as he may deem appropriate, for expenditure by the Extension Service in accordance with the Joint Resolution and this agreement.

b. To assist and cooperate generally with the Extension Service in the formulation and conduct of the program to be financed with the funds so apportioned to the State.

**2. The Extension Service agrees: for the year ending December 31, 1943:**

a. To accept and, in accordance with the Joint Resolution and this agreement, and subject to the supervision of the Administrator, to administer the funds so apportioned to the State in accordance with the Joint Resolution and this agreement.



b. To use the apportioned funds only in furtherance of the purposes authorized by this agreement and the Joint Resolution, which include, among other things, (1) recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of agricultural workers; (2) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including such former Civilian Conservation Corps camps as are made available to the Extension Service by the Administrator; (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse the Extension Service for such advances; (5) employment of personnel and other administrative expenses; and (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes.

c. To return to the Administrator all such funds not obligated by December 31, 1943, unless the Administrator otherwise directs; unless otherwise directed by the Administrator, to return to the Administrator all unexpended personal property acquired with the funds, or if the Extension Service so elects, the value thereof as determined by the Administrator after consideration of estimates submitted to him by the Extension Service, when such property is no longer needed in the administration of the program undertaken with the funds; to restore any misapplied funds; and, in the event the Administrator determines that the program is not being carried out in accordance with approved plans and procedures, forthwith, upon notice, to return to the Administrator any unobligated balances of apportioned funds.

d. To keep such accounts and records and make such reports concerning the use of the funds and work under way and accomplished as the Administrator may require.

3. The Administrator and the Extension Service mutually agree:

a. That the plans and procedures for the administration of the program to be financed with the funds apportioned to the State should be formulated by the Extension Service and shall be approved by the Administrator.

b. That, in carrying out approved plans and procedures, the Extension Service shall be governed by such instructions and regulations with respect to the expenditures of funds as the Administrator may from time to time issue.

c. That the program shall be coordinated with agricultural labor programs in other States and with the national agricultural labor program, particularly with respect to the placement of workers within the State and shall be carried out to the extent practicable in cooperation with interested State and Federal agencies.

d. That all rights and obligations of the Administrator herein may be exercised and performed by and through duly authorized representatives of the Administrator.

4. No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom.

IN WITNESS WHEREOF, The parties have executed this agreement as of the date first above written.

/s/ C. E. DAVIS

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War Food Administrator  
U. S. Department of Agriculture

/s/ ROBERT G. SPROUL

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President (or other appropriate official)

/s/ B. H. CROCHERON

-----  
Director of Extension

May 3, 1943

Exhibit 2

#### Supplemental Agreement for Extension Work in Farm Labor Supply and Distribution in the State of California

THIS SUPPLEMENTAL AGREEMENT, made and entered into this 25th Day of February, 1944, between the War Food Administrator, hereinafter called the "Administrator," and the Cooperative Agricultural Extension Service of hereinafter called the "Extension Service,"

WITNESSETH:

WHEREAS, in accordance with Section 2 of the Act of Congress approved April 29, 1943 (50 Stat. 70), an agreement was entered into on the 3rd day of May, 1943, between the Administrator and the Extension Service, hereinafter called the "Agreement," wherein the Administrator agreed to apportion funds to the State of Calif. and the Extension Service agreed to use such funds in furtherance of the purposes authorized by said Act of Congress and said Agreement; and

WHEREAS, the Farm Labor Supply Appropriation Act, 1944, approved February 14, 1944, appropriated additional funds for expenditure by the Administrator to assist in providing an adequate supply of workers for the production and harvesting and

preparation for market of agricultural commodities essential to the prosecution of the war and provided that such Act, approved February 14, 1944, should supersede the Act of April 29, 1943 to the extent that there was inconsistency between the two laws; and

WHEREAS: the Administrator and the Extension Service desire to continue the cooperative program for providing an adequate supply of workers for the production and harvesting and preparation for market of agricultural commodities in the State of California in accordance with Section 2 of the Farm Labor Supply Appropriation Act, 1944:

NOW, THEREFORE, in consideration of the premises, the Administrator and the Extension Service mutually agree as follows:

1. Clauses 1 and 2 of the Agreement are hereby amended by inserting the Date "December 31, 1944" in lieu of the date "December 31, 1943" and wherever the term "Joint Resolution" is used in such clauses it shall be construed to include the "Farm Labor Supply Appropriation Act, 1944".

2. The funds apportioned to the State shall be used only in furtherance of the purposes authorized by the Farm Labor Supply Appropriation Act, 1944, and the Agreement as modified by this Supplemental Agreement, which include, among other things, and in addition to those set forth in clause 2b of the Agreement, (1) rendering assistance with respect to the deferment of agricultural labor, and (2) construction of labor supply centers and other necessary facilities and services, except that no expenditure for construction shall be made without the prior approval of the Director, Office of Labor, War Food Administration.

3. Except as expressly modified in this supplemental Agreement, the terms of the Agreement shall continue in full force and effect.

4. This Supplemental Agreement does not apply to services, if any, performed by the Extension Service on behalf of the United States pursuant to Section 3(b) of the "Farm Labor Supply Appropriation Act, 1944".

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement as of the first above written.

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War Food Administrator  
U. S. Department of Agriculture

/s/ Robert G. Sproul      President

/s/ B. H. Crocheron

-----  
Director of Extension

Approved as to Form:  
R. H. LINFORTH

Exhibit 3

### Will Postwar California Be Saddled With "Okies"? From San Francisco News, April 18, 1945

#### OPPONENTS ARGUE OVER WAGES, LIVING STANDARDS, LABOR MARKET

By Jane Sudekum  
(Last of Two Articles)

Will California be overrun with agricultural workers after the war? Will peace bring back the "Okies" with their rattletrap autos, their shack towns, their poverty?

Those are questions many Californians are asking themselves.

That seasonal workers are necessary to California's commercial agriculture is an accepted fact. What their living conditions and wages will be and how many there will be after peace are subject to speculation.

On one side there are men and women who maintain there will be a return of conditions which bred the stampede of the thirties. They predict there will be from six to 10 persons for every job. On the other are those who believe the labor supply will not be overabundant, that wages will stay high, and living standards will go up as a result.

#### Both Sides Have Points

Both sides have arguments to uphold their stands. But both agree on one thing: The postwar agricultural worker situation in California depends to a great extent on industry—how long it keeps producing at full capacity and what wages it pays.

President Ray Wiser of California Farm Bureau, an organization of farm families, looks through rose-colored glasses to a postwar production period that will see peacetime industry absorbing many war workers and veterans.

"America has a tremendous backlog of buying power," he said.

*Many Ranches Labor-shy*

Mr. Wiser also points out that many ranches are getting by without sufficient labor, even though California has in the past year been using between 23 and 46 thousand Mexican nationals. After the war, he says, industry will need workers to produce items not being made during wartime and ranchers will need replacements for the Mexicans and for persons who have taken temporary jobs when the War Food Administration has issued appeals for labor to harvest peak crops.

Others point out that California will be developed as a gateway to the Orient; that improved transportation methods will promote sales of perishable foods.

They add that farm conditions which have been improved in wartime will stay that way.

*Wages Are Up*

Wages are up, they say, and there is not much chance they will go down for at least two years after the war because the Federal Government has agreed to cover prices on basic foods for two years after the President's declaration of peace. The subsidy does not affect many on this State's crops, but the belief is that while the basics' prices are up other food prices will stay on the same level.

Housing conditions in employer furnished quarters, improved to attract workers in wartime, will stay that way, they say.

Ranchers, too, they point out, have been forced by the need to hold laborers the year round to regularize their crops. They have arranged their work schedule into a pattern that keeps a corps of workers on the year-round basis in contrast with one that called for a horde of men for a few weeks.

"But," counter members of the other side, "what is going to hold wages up if there are countless migrant workers fighting for a chance to earn a few cents an hour? What is to keep owners from letting their camps run down when workers will camp on a ditch bank if they can get a few days' work? What is going to keep a rancher from going back to his old schedule if it is more convenient?"

*Use Estimates*

They bring up estimates made in a study by the California State Reconstruction and Re-employment Commissioner.

"From 666,000 to 835,000 jobs will be lost in California within a year after military demobilization," reports the commission. "Some of them—at least 169,000, possibly 406,000, will be replaced by peacetime jobs. But California's resulting economic problems will be more severe than those of the Nation because California bore a greater proportionate share of the weight of war work, war installations and wartime population increase than any other State."

To these persons looking for jobs may be added service men who have passed through California and decided to settle here.

If California keeps its lure—and the Chamber of Commerce sees no reason why it shouldn't—it may expect to attract many families whose income source has been cut off by new mechanical inventions, say the men and women who see an over abundant supply of labor as the State's fate.

*"Tractored Out" Class?*

The perfection of the cotton picker and sugar beet topping machine will put perhaps several million people into the "tractored out" class of depression days, they believe.

Both sides agree that the Central Valley development will absorb some of the agricultural workers and that new service industries will provide jobs for some who would otherwise be thrown on the work pile. How many, no one ventures to guess.

California's problem, then, is to find jobs for men and women who otherwise will glut the agricultural worker market.

**Exhibit 4****Discussion of Annual Average U. S. Farm Wage Rates from Congressional Record, March 10, 1943, p. 1827**

By Senator Millard E. Tydings (Maryland)

Senator Tydings: First of all, what is the trouble? Is it that the military forces are depleting the farms of workers? No; that is not the trouble, for the testimony before various committees shows that 70 per cent of the farm depletion went into industry. I do not blame the farm workers for going into industry, for the following very proper reasons: Mr. President, what do you suppose the average farm weekly wage is in this country? I have before me the figures for every State in the Union, with board and without board, for 1939, 1940, 1941, and 1942. Listen. For the Nation, as a whole, in 1939 the average was \$27.39 a month with board, and \$35.82 without board.

In 1940 the average was \$28.08 a month with board, and \$36.68 without board a month.



In 1941 the average was \$34.85 a month with board, and \$43.64 a month without board.

In 1942 the average was \$46.64 a month with board, and \$56.07 a month without board.

In other words, the average wage, even in 1942, was less than \$2 a day. There is the problem, Senators.

The figures given represent the average for the whole country, but I ask to have incorporated in the Record at this point a table showing the wages, with and without board, for each State in the Union. I believe the wages are highest in California, where a shortage of labor has been occasioned by the transfer to camps of large numbers of Japanese, who formerly worked on the farms, and lowest in some of the Southern States where in some instances wages are but half as much as the average which I read.

They (wages) have been going up each year, but even with the increase the average in 1942 was \$56.07 a month, out of which a man must provide food, clothing, and shelter for himself and his family.

Some may think men will be held on the farms in the face of such a disparity between industrial and agricultural wages. If they are, I do not know human nature. The only people left on the farms are those who have remained because the farmers have raised the pay in order to hold them, those who love to farm, those who find that farming is what they like to do best.

Mr. President, who is the farmer about whom I am talking? We are looking to that farmer in our own homes today and tomorrow for breakfast, for dinner and for supper. We are looking to him for the clothes on our backs, whether they be cotton or wool, for the hides which make the shoes on our feet, and for the lumber in all our homes. He is the one who furnishes all these things. He is creating all the wealth on which all war industries and all industrial wages depend, and in the midst of the highest wages in all history he is getting \$56.07 a month for contributing the things without which we could not run the Nation's plants, or even an Army, or fight a war.

I know that for a long time farmers were blinded by the fact that they received a yearly check, paid to them from money borrowed by the Government in an effort to even up things. Now that chickens are coming home to roost. That is why the farms have been depleted. The military services have gotten only 30 per cent of the men who have left the farms. The industrial plants have gotten 70 per cent.

Mr. President, the farmer of this Nation, and particularly the farm worker, has been the real forgotten man during the last 20 years. The whole economic system has been set up with no consideration whatever for the farmer. The farmer pays, in direct and indirect taxes, his share of the social-security program, of unemployment insurance, and old-age taxes, but he gets none of it for himself.

The farmer, through his taxes, will pay off the huge debt which this Government is going to drive up perhaps to the \$250,000,000,000 mark, to pay all the high wages now being drawn, and to pay all the manufacturers the billions of dollars they receive under contracts. The farmer gets none of it.

Every time the prices of manufactured articles increase, either because of wage increases or through social-security payments which are added to the cost of the articles, the farmer's income is correspondingly depressed.

We can not raise wages on the farm without increasing the cost of food and clothing and shelter. It is not possible. But why should it not be done?

When we increase the cost of manufactured articles, we depress the income of every farmer and farm worker in this country; and that has been taking place for a long time. Politicians travel about the country and tell what stanch friends they are to a particular group, and the great gains which have been made, but they fail to tell the remaining groups that the gains were made quite often at their expense. People have been falling for that boloney, one group being put up on stilts at the expense of another group which is already away down, right on the bottom.

It is not possible to increase the cost of manufactured articles, as a result of increased wages, without passing the increase on to the farmer and to the other consumers of the country. It is not possible to increase the cost of food because of the necessity of raising wages without increasing the cost of living.

Let us put ourselves in the farm worker's position. There he is on the farm, working 10 hours a day, seven days a week, without any overtime pay, with no social security benefits, without the benefit of retirement pay, and he is working for less than \$2 a day, when he can go right down the road and get \$158 a month, which is the average, work eight hours a day, get time and a half for overtime on Saturday, if the industry operates under the 48-hour week system, and get unemployment insurance and old-age pensions thrown in.

Mr. President, we hear talk about a food famine. There is not going to be any famine. You know it and I know it. There will not be as much food as we have been used to, not so many varieties as we have been accustomed to have. We shall have a great deal more rationing than we have had up to now, but no one is going to starve. There will be enough to keep us going, and if not, we will have to cease some of our shipments abroad, for first we are going to live without starving, and we can be assured that our boys overseas are going to live, too. We will give away only



what we can spare by sacrificing greatly. We are not going to give away food to the point where we starve to death. So do not be frightened. Of course, there will be a shortage of food.

Senator Johnson, of Colorado: The O'Mahoney amendment does not say anything about married men, does it?

Senator Tydings: There has been a good deal of loose talk with no facts to support it. For example, it is said that the Tydings amendment did not do any good.

I got in touch with General Hershey several days ago and again yesterday. He said that the first two months the so-called Tydings amendment was on the books, 364,000 regularly employed and irreplaceable farm workers who were called for the draft were deferred. That was in just two months. I was informed only yesterday that more than 1,000,000 regularly employed and irreplaceable farm workers will be deferred under my amendment during 1943.

I will state it. My way would be to pay the men who work on the farms more money, and let the ceilings go up correspondingly, just as we have paid the men in the manufacturing plants more money, and the prices of all manufactured products have gone up and have been increased to the farmers and to all other consumers. I would give equality of justice to men who are producing equally. That is my solution.

I would go down to the OPA, if I could do so, and have it explain to the country that the farmers are entitled to every bit of consideration that the industrial workers are entitled to. We are not going to hold farm workers on the farms—I care not how many laws may be passed—until we rearrange the work and until we pay agricultural skill in line with what is paid to industrial skill. Seventy per cent of the men who have left the farms have gone to industry. The Army has not raided the farms; it has taken only 30 per cent of those who have left. No one will begrudge the farm workers all the wages and all the short hours and other benefits the farms will stand.

However, while industrial workers have gone up in their economic scale, farm workers have remained on the lowest scale. In many cases, the increases received by industrial workers have to some extent decreased the income of the farmers and of the farm workers. Therefore, my solution would be to pay the farm worker a decent wage, to add that wage to the cost of production of agricultural commodities, and to give justice to the farmer whose son is in the armed forces, just as we give justice to others in America whose sons are in the armed forces.

**Annual Average Wage Rates on U. S. Farms**  
(From Congressional Record, March 10, 1943, page 1827)

ANNUAL AVERAGE WAGE RATES, 1939-42, PER MONTH, BY STATES, AND UNITED STATES  
(STRAIGHT AVERAGE OF FOUR QUARTERS—NOT OFFICIAL ESTIMATES  
OF ANNUAL AVERAGES)

	1939		1940		1941		1942	
State	With board	Without board	With board	Without board	With board	Without board	With board	Without board
Maine	\$30.10	\$45.70	\$30.60	\$48.60	\$38.20	\$58.30	\$51.50	\$74.80
New Hampshire	31.70	54.80	31.90	55.30	35.80	61.40	49.20	77.70
Vermont	30.20	47.60	31.30	48.10	38.50	58.10	50.00	72.10
Massachusetts	32.30	61.50	33.60	62.80	39.40	70.80	53.60	89.10
Rhode Island	38.10	65.40	36.60	64.50	45.80	73.10	55.60	89.60
Connecticut	34.80	63.60	35.70	63.10	45.20	73.60	56.80	89.00
New York	29.30	45.50	30.70	46.80	38.40	56.20	50.30	72.00
New Jersey	32.00	53.60	33.10	54.60	39.10	62.50	51.10	77.60
Pennsylvania	26.40	41.70	27.10	42.20	31.40	47.80	38.50	60.80
Ohio	26.20	38.80	26.30	39.00	31.60	44.60	39.30	55.40
Indiana	27.10	37.60	27.70	38.60	32.80	44.30	40.90	54.60
Illinois	31.80	42.60	32.20	42.90	38.30	49.10	48.10	61.40
Michigan	27.40	41.90	28.20	42.10	35.40	51.10	44.30	63.20
Wisconsin	28.10	41.10	28.60	41.90	36.70	51.30	48.90	67.40
Minnesota	28.60	40.80	28.60	40.70	34.90	47.90	48.50	63.90
Iowa	31.70	41.40	32.10	42.10	38.30	48.10	52.10	63.80
Missouri	22.90	31.10	23.20	31.80	26.70	36.40	34.90	46.40
North Dakota	25.80	39.10	26.40	39.60	34.00	48.80	50.50	68.70
South Dakota	26.70	38.90	27.10	39.60	33.20	46.50	48.20	64.00
Nebraska	24.80	34.90	25.80	36.10	31.00	41.90	45.30	58.60
Kansas	24.00	35.30	24.50	35.90	29.60	41.80	41.20	57.40
Delaware	24.40	37.40	26.10	39.20	31.40	45.10	39.10	56.60
Maryland	26.50	38.50	27.10	39.60	31.60	45.20	38.30	54.70
Virginia	21.30	30.40	21.80	30.90	24.90	35.10	30.60	44.40
West Virginia	21.60	31.90	22.00	32.40	24.50	35.30	30.20	43.90
North Carolina	17.00	24.90	17.40	25.40	19.80	28.20	25.80	35.50
South Carolina	12.30	18.10	12.90	18.70	14.20	20.70	18.70	25.90
Georgia	12.20	17.90	12.80	18.60	14.80	20.90	18.80	26.00
Florida	15.60	26.80	15.90	27.80	18.40	31.20	25.10	41.90
Kentucky	20.40	28.90	20.20	28.60	23.10	31.80	29.10	39.90
Tennessee	16.50	23.90	16.90	24.20	19.60	27.60	24.30	34.00
Alabama	13.60	19.40	13.60	19.50	15.80	22.00	21.60	29.80
Mississippi	14.20	20.50	14.20	20.70	15.90	22.80	20.40	28.50
Arkansas	15.90	23.50	16.20	23.90	19.00	27.00	25.40	36.20
Louisiana	15.10	22.80	15.50	23.00	16.90	24.50	21.90	30.50
Oklahoma	20.20	29.60	20.80	30.30	24.30	34.40	33.00	45.60
Texas	20.60	29.50	21.10	30.10	25.10	34.40	34.70	46.30
Montana	37.10	53.20	38.80	54.80	44.70	63.90	63.30	84.20
Idaho	37.40	52.20	38.60	53.70	45.70	60.80	63.40	83.30
Wyoming	35.70	52.10	36.30	52.30	53.70	59.30	68.10	77.30
Colorado	29.50	45.40	30.30	45.90	35.60	51.40	48.10	68.70
New Mexico	27.60	42.20	27.90	40.20	32.10	45.70	42.40	57.70
Arizona	38.20	54.60	36.40	55.30	42.20	59.30	60.80	80.60
Utah	42.10	55.90	44.40	58.60	48.60	66.20	68.60	87.80
Nevada	40.60	60.30	42.40	58.70	46.60	69.30	59.00	82.10
Washington	35.80	53.20	37.00	56.90	45.10	67.20	69.00	92.80
Oregon	35.30	52.20	35.80	53.80	44.90	63.30	68.80	92.90
California	45.90	69.30	45.60	72.10	55.60	81.20	76.60	105.70
United States *	27.39	35.82	28.05	36.68	34.85	43.64	46.64	56.07

\* United States rates are official annual averages: Weighted by hired farm labor.

## California Farm Labor Project

## Hired Workers on Farms—January–December, 1944, by Type of Worker

TABLE I

INCLUDES HIRED WORKERS ENGAGED IN CROP PRODUCTION AND LIVESTOCK AND  
POULTRY CARE. DOES NOT INCLUDE WORKERS IN LARGE NON-FARM  
PACKING ESTABLISHMENTS

Period	Usual domestic workers			Mexican Nationals	Volun- teers*	Prisoners of war	Miscel- laneous†	Total
	Year- round	Seasonal	Total					
January -----	70,000	80,000	150,000	12,000	1,000	200	300	163,500
February -----	70,000	85,000	155,000	13,000	1,000	600	500	170,100
March -----	73,000	75,000	148,000	19,000	1,200	200	200	168,600
April -----	75,000	90,000	165,000	23,000	1,500	0	500	190,000
May -----	80,000	125,000	205,000	24,000	2,000	200	1,000	232,200
Week ending:								
6-10 -----	80,000	124,000	204,000	25,000	2,000	600	1,200	232,800
6-17 -----	80,000	125,300	205,300	26,000	2,800	200	1,100	235,400
6-24 -----	80,000	124,200	204,200	26,000	5,500	500	1,000	237,200
7- 1 -----	80,000	127,500	207,500	28,000	6,000	500	1,000	243,000
7- 8 -----	81,000	128,500	209,500	29,000	4,000	500	1,000	244,000
7-15 -----	82,000	130,000	212,000	33,000	5,000	600	1,000	251,600
7-22 -----	82,000	133,500	215,500	34,000	9,000	400	800	259,700
7-29 -----	82,000	135,400	217,400	34,000	10,000	300	800	262,500
8- 5 -----	82,000	138,200	220,200	34,500	9,000	400	900	265,000
8-12 -----	82,000	126,200	208,200	36,500	7,000	500	1,000	253,200
8-19 -----	82,000	133,000	215,000	36,600	7,500	800	1,800	261,700
8-26 -----	82,000	143,500	225,500	37,500	8,000	600	1,000	272,600
9- 2 -----	82,000	151,500	233,500	37,500	8,000	700	1,000	280,700
9- 9 -----	82,000	157,500	239,500	37,000	7,000	700	1,000	285,200
9-16 -----	83,000	148,800	231,800	36,000	5,000	1,000	1,700	275,500
9-23 -----	83,000	142,000	225,000	35,000	4,600	1,500	2,000	268,100
9-30 -----	83,000	142,500	225,500	35,000	4,000	3,000	1,100	268,600
10- 7 -----	83,000	149,200	232,200	35,000	4,400	3,000	1,500	276,100
10-14 -----	83,000	149,600	232,600	35,000	4,500	3,700	1,500	277,300
10-21 -----	83,000	147,600	230,600	34,000	4,500	4,000	2,000	275,100
10-28 -----	82,500	140,000	222,500	33,000	4,500	4,200	1,300	265,500
11- 4 -----	82,000	128,000	210,000	33,000	4,400	4,000	1,000	252,400
11-11 -----	82,000	101,000	183,000	32,500	3,000	3,600	600	222,700
11-18 -----	82,000	95,000	177,000	32,000	2,500	2,500	600	214,600
11-25 -----	81,500	93,500	175,000	30,600	2,000	2,600	600	210,800
12- 2 -----	81,000	93,500	174,500	21,200	1,500	2,500	600	210,300
12- 9 -----	80,500	91,700	172,200	31,000	1,400	3,000	600	208,200
12-16 -----	80,000	90,300	170,300	30,000	1,400	3,400	600	205,700
12-23 -----	80,000	89,800	169,800	29,000	700	4,700	600	204,800
12-30 -----	80,000	90,000	170,000	28,000	600	4,600	600	203,800

\*Includes volunteers working one or more days.

†Includes members of U. S. military services, conscientious objectors, and inmates of penal and corrective institutions, working one or more days.

NOTE.—Unpaid family workers, not included in this chart, numbered about 115,000 in March, with a gradual increase to 125,000 in early September, then dropped suddenly to about 118,000 with the opening of schools.

1-20-45

MARGOT WAKEMAN LENHART  
Farm Labor Market Analyst  
Emergency Farm Labor Project  
Agricultural Extension Service

Cooperative Extension Work  
U. S. Department of Agriculture and  
University of California Cooperating

Office of the Director  
College of Agriculture  
Berkeley 4, California

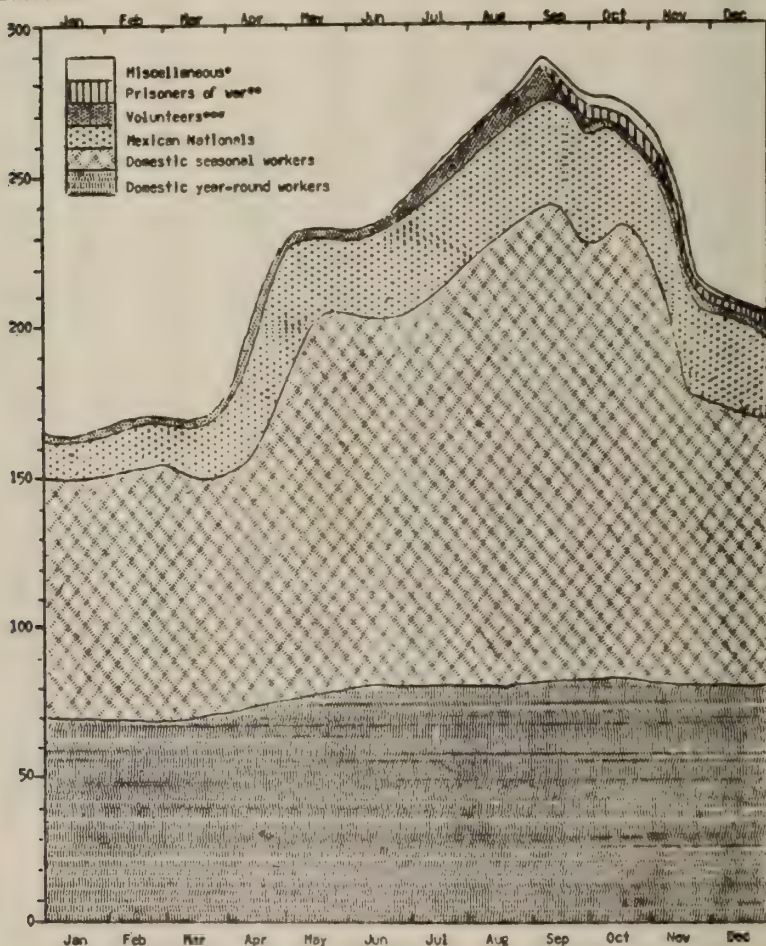
### California Farm Labor Project

#### CHART I

#### HIRED WORKERS ON FARMS—1944

Includes Hired Workers Engaged in Crop Production and Livestock and Poultry Care  
Does Not Include Workers in Large Non-farm Packing Establishments

Thousands



\*Includes members of U. S. military services, conscientious objectors, and inmates of penal and corrective institutions, working one or more days during one or more weeks.

\*\*Not shown are less than 1,000 prisoners of war working prior to September 10.

\*\*\*Includes volunteers working one or more days during one or more weeks.

NOTE.—The areas for volunteer and miscellaneous workers do not represent a similar proportion of the total work done because these were not full-time workers in agriculture.



## California Farm Labor Project

Placement of Workers: June-December, 1943, and January-December, 1944

(By Type of Worker)

TABLE II

INCLUDES PACKING HOUSE AS WELL AS FARM PLACEMENTS

Year and Month	Usual Domestic Workers			Mexican Nationals	Volunteers	Prisoners of War	Miscellaneous *	Total
	Year-around	Seasonal	Total					
1943:								
June -----	704	6,820	7,524	582	0	0	599	8,705
July -----	3,375	19,429	22,804	1,501	5,594	0	979	30,878
August -----	2,983	29,663	32,646	5,200	15,033	0	1,200	54,079
September -----	3,160	56,619	59,779	4,900	16,695	0	2,750	84,124
October -----	2,919	59,332	62,251	4,300	16,460	0	3,500	86,511
November -----	3,149	30,606	33,755	4,000	11,203	185	1,050	50,193
December -----	2,365	21,076	23,441	2,200	1,801	185	75	27,702
Total—June through December -- --	18,655	223,545	242,200	22,683	66,786	370	10,153	342,192
Per cent of total--	5.45 %	65.33 %	(70.78 %)	6.63 %	19.52 %	.11 %	2.96 %	100 %
1944:								
January -----	2,359	19,054	21,413	1,193	468	0	52	23,126
February -----	2,139	13,003	15,142	1,850	1,050	949	54	19,045
March -----	3,641	14,223	17,864	8,158	508	150	82	26,762
April -----	3,678	20,842	24,520	4,712	1,306	0	141	30,679
May -----	4,043	44,764	48,807	4,429	670	192	2,740	56,838
June -----	2,932	44,941	47,873	6,291	10,757	1,751	2,591	69,263
July -----	2,623	41,050	43,673	10,074	10,599	265	1,065	65,676
August -----	3,159	62,160	65,319	9,830	14,051	434	3,478	93,112
September -----	2,154	72,699	74,853	6,499	7,433	1,305	3,291	93,381
October -----	2,148	66,094	68,242	5,990	5,497	2,414	3,068	85,211
November -----	2,617	39,473	42,090	10,459	3,500	1,319	992	58,360
December -----	1,825	22,896	24,721	4,561	1,398	2,984	784	34,448
Total—Jan. through Dec.† --	33,400	460,576	493,976	78,031	57,136	11,763	18,433	659,339
Per cent of total--	5.07 %	69.85 %	(74.92 %)	11.83 %	8.67 %	1.78 %	2.80 %	100 %

\* Includes members of U. S. military services, conscientious objectors, and inmates of penal and corrective institutions.

† Includes revisions, per Annual Report, not shown by month.

MARGOT WAKEMAN LENHART  
Farm Labor Market Analyst  
Emergency Farm Labor Project  
California Agricultural Extension Service

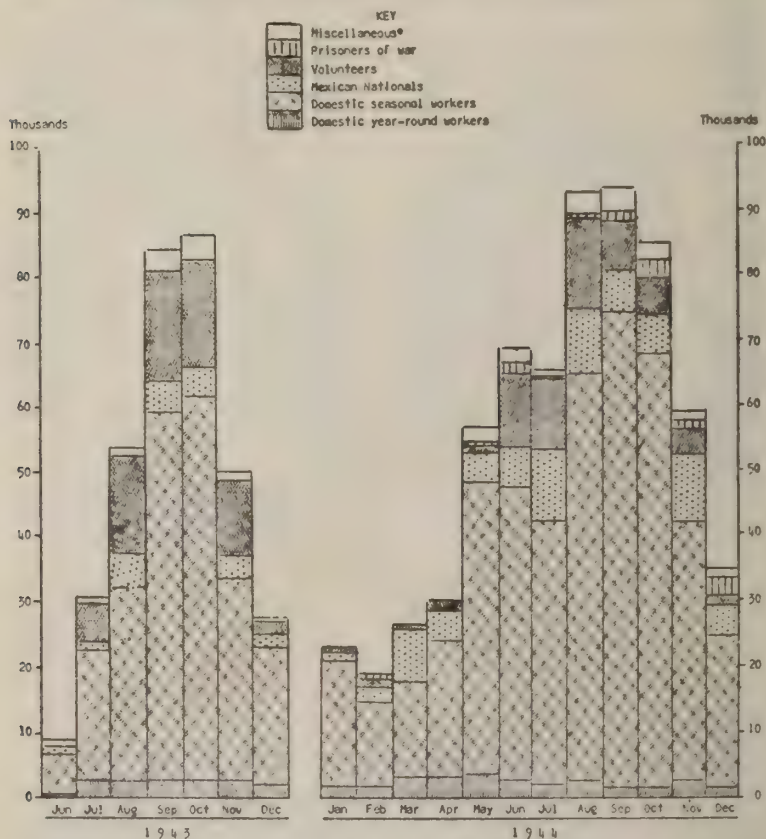
Cooperative Extension Work  
U. S. Department of Agriculture and  
University of California Cooperating

Office of the Director  
College of Agriculture  
Berkeley 4, California

### California Farm Labor Project

#### CHART II

PLACEMENTS OF WORKERS: JUNE-DECEMBER, 1943, AND JANUARY-DECEMBER, 1944  
(Includes packing house as well as farm placements)



\*Includes members of U. S. military services, conscientious objectors, and inmates of penal and corrective institutions.

**Late Vacations Urged for Harvest Helpers**  
(From University of California 5/3/45)

Exhibit 7

BERKELEY, May 3.—Office people, clerks and other year-round workers are urged to schedule vacations in late August, September and October and to spend their two weeks in the harvest fields helping produce the Nation's food supply.

In an appeal for part-time workers to help harvest California's crops during those three peak months, Warren R. Schoonover, State Supervisor for the Emergency Farm Labor program of the Agricultural Extension Service, said:

"During the past two months and in April the number of seasonal workers has been sufficient to accomplish all the farm tasks necessary. The same condition, we hope, will prevail during the months of May, June and July despite increasing demands. However, as the major seasonal crops come in during August and on into September and October the labor requirements will rise sharply and critical shortages may develop. We will need hundreds of volunteers at that time."

The number of migratory workers who will be available during peak months is uncertain and difficult to predict, Schoonover says. Furthermore, he points out, the number of Mexican Nationals and prisoner of war workers allocated to California by Government agencies is far below the estimated needs.

"Last year the vacation volunteers provided the needed help to harvest many of the late summer and early fall crops and to attain maximum production," Schoonover said. "It is likely that they will be needed in 1945 if food production goals are to be met. Late vacations for these people is a wartime contribution."

Exhibit 8

**Farm Production Council Resolution Regarding Continuation of  
Mexican Nationals Program**

WHEREAS, Mexican National farm workers have proved themselves particularly suited to the various types of farm work in California, including stoop labor; have proved themselves effective and efficient workers; have provided no insurmountable problems in housing, feeding or transportation; have been fairly easy to instruct because of the availability of persons familiar with agriculture who speak both Spanish and English; and work congenially with our regular farm workers; and

WHEREAS, The indicated supply of prisoners of war for farm work will be inadequate to meet California's wartime emergency needs; and

WHEREAS, All indications are that there will be a continuing short farm labor supply in 1945;

WHEREAS, Our continued participation in the war will require a maximum production of essential food and fiber crops in 1945 to adequately provide for our military forces, our allies, and our civilian population; therefore be it

*Resolved*, That the Farm Production Council does herewith urge that the Congress of the United States make adequate statutory and financial provision for the continuation of the Mexican National farm labor importation program through the calendar year of 1945, without interruption.

Exhibit 9

**Contract Form for Employment of Mexican Nationals 1945**

UNITED STATES OF AMERICA WAR FOOD ADMINISTRATION

Office of Labor

Employment Agreement (Mexican Workers)

THIS EMPLOYMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ between the War Food Administrator, hereinafter called "Administrator," and \_\_\_\_\_ of \_\_\_\_\_ State of \_\_\_\_\_, hereinafter called "Employer."

WITNESSETH:

WHEREAS, The Administrator and the Employer wish to cooperate in making agricultural workers available to alleviate the present shortage of agricultural labor and to aid in the successful prosecution of the war,

Now, THEREFORE, In the consideration of the undertakings hereinafter stated, the Administrator and the Employer agree as follows:

1. The Administrator shall use his best efforts to recruit and transport agricultural workers for employment by the Employer, from points of origin or intermediate points in the United States or Mexico to the destination point (s) hereinafter stated. Upon completion of such employment, the Administrator shall transport the employed workers to the points of origin or to such intermediate points in the United States as the Administrator shall determine to be proper.

2. The Employer shall employ, upon the terms herein, agricultural workers transported by the Administrator in numbers not greater than, and to the destination points indicated below, in accordance with a delivery schedule to be mutually agreed upon by the Administrator and the Employer, provided, however, that in no event shall delivery of the workers be made later than 30 days prior to the termination date of the "period of employment" as set forth in paragraph "a" below.

Number of Workers-----, to be delivered to-----  
 Number of Workers-----, to be delivered to-----

a. Each worker shall be employed, exclusively by the Employer and as an agricultural worker, for at least seventy-five per cent (75%) of the possible workdays (each day in the week except Sunday to be considered a possible workday), from and including the day following the date of the arrival of such workers at the destination point to and including -----, 19-----, and for such further time as the Employer and the Administrator may mutually agree, such entire time being hereinafter called the "period of employment."

b. The Employer shall be required to furnish such employment to a Worker hereunder only so long as the Worker is willing and able to work under the supervision and direction of the Employer. He shall not require the Worker to work on Sundays.

c. The Individual Work Agreement between the Administrator and each Worker provides that for such time as the Worker is unemployed under a period equal to seventy-five per cent (75%) of the period (exclusive of Sundays) for which he has been contracted, he shall receive a subsistence allowance at the rate of \$3.00 per day. Accordingly, if the Employer does not furnish employment to each Worker for at least seventy-five per cent (75%) of the possible workdays as provided in paragraph 2a and paragraph 2b of this Agreement, the Employer shall pay to the Administrator upon demand, after termination of the employment under each Worker's Individual Work Agreement, the Employer's prorata share as determined by the Administrator of such subsistence allowance.

d. For each calendar day (exclusive of Sundays) on which the Worker is willing and physically able to work and is not provided employment in excess of four hours, the Employer shall at his expense, provide subsistence to the Worker.

e. A workday shall contain not less than eight hours nor more than twelve hours; provided, however, that to determine the amount of employment under paragraph 2 of this agreement, hours of work less than eight done on any day except Sunday may be added to hours of work less than eight done on any other day except Sunday, and for such purpose each eight hours of work shall be counted as a workday worked.

f. Work shall be paid for in lawful money of the United States Government at the end of each week of work, or at the end of the customary payroll period if these periods do not exceed semi-monthly intervals, at not less than the prevailing piecework or hourly wage rates for similar work under the same conditions and within the particular area of employment; provided, however, that the Administrator reserves the right to terminate the period of employment of, and to remove any worker whether he is employed at hourly rates, piece-work rates or other rates who does not average wages of at least 30¢ per hour worked in any five successive days of actual employment. Unless the Employer shall inform the Administrator within two days thereafter that such right of removal exists, and requests that the Administrator remove such worker, the Employer shall pay the Worker the agreed wages or the prevailing wages, whichever shall be the greater, but in no event less than 30¢ per hour worked in such five days. The prevailing wages may be determined in such manner as the Administrator may direct.

g. The Employer shall pay all costs of transportation of the Workers (and the members of their families transported with them by the Administrator to the above-specified point (s) of destination) between said destination point (s) and the place or places at which the Workers are to perform their work, and return to said destination point (s), together with all costs of transportation of the Workers between the places where they are housed and the places where they work.

h. No deduction from wages shall be made for commissions, fees, or any other purpose (except as may be required by law).

i. The Employer shall pay to the Administrator in trust for each such worker who has been transported by the Administrator from Mexico for employment in the United States, ten (10%) percent of his wages, which portion of his wages such worker will have assigned to the Administrator in trust to be held or controlled and disposed of by the Administrator under the terms of its agreement with the worker. This payment shall be made at the request of the Administrator to the Wells Fargo Bank and Union Trust Company of San Francisco for the account of the Bank of Mexico, S. A., and in no event more than 10 days after the termination of the period of employment of the Worker. The Employer shall transmit to the Administrator checks covering the payment, together with payroll lists. The Administrator shall make the official audit and transmit such checks to the bank for deposit.

j. The Workers shall be entitled to the benefit and protection of all applicable child labor, and other laws and regulations of the Government of the United States and of the State or States in which the work is performed.

k. The Workers shall not be required to purchase articles or services for consumption of use by them or their families at any source not of their choice.



l. The Workers shall be entitled to freedom from discrimination in employment because of race, creed, color, or national origin, in accordance with the provisions of Executive Order No. 8802 of the President of the United States, dated June 25, 1941.

m. The Employer shall provide without charge suitable lodgings for the Workers and their families during the period of employment, including making available to them without charge such shelter facilities as are owned by the Employer and are not otherwise occupied within the period of employment. The Administrator shall inspect the lodgings provided, and his determination as to suitability shall be final.

n. The workers shall have the right to elect from their group their own representatives to negotiate with the Employer.

o. There shall be no strikes, lockouts, or stoppages of work during the period of employment. All disputes between the Workers and Employer shall be determined by mediation according to procedure prescribed by the Administrator.

3. The Administrator shall determine from time to time, and his determination shall be conclusive, whether the Employer has paid all sums to be paid by him hereunder, and shall have the right to pay to the persons he determines to be entitled thereto, all or any part of any such sums which he determines have not been paid, in which case the Employer shall repay to the Administrator, upon demand by him, all sums so paid, together with interest thereupon at the rate of six per cent (6%) per annum from the date or dates of such payments by the Administrator.

4. Workers and members of their family 18 years of age and over may work for the Employer only after entering into work agreements with the Administrator. Members of a Worker's family who are under 14 years of age shall not be employed but older members under 18 years of age may be employed (subject to school and labor laws), at prevailing piece or hourly wages for adults, provided the Employer previously has entered into an agreement for such services in the presence of a representative of the Administrator and with the consent of the appropriate Mexican consul, the Worker and the minor.

5. The Employer shall keep and permit examination of such records of employment, wages and subsistence, furnish such reports thereon, and employ such forms therefor, as the Administrator may require.

6. If the Administrator determines that the Employer has violated any of the terms or undertakings of this Agreement, or is not utilizing the workers fully and efficiently and in accordance with this Agreement, he may, without waiving any other remedy or course of action, deprive the Employer of the further services of any or all of the workers under this Agreement, thus terminating the period of employment.

7. All rights, privileges and powers conferred herein upon the Administrator may be exercised by him or his duly authorized representative.

IN WITNESS WHEREOF, the Administrator and the Employer have executed this Agreement as of the date first above written.

WAR FOOD ADMINISTRATOR

By \_\_\_\_\_

(Title)

(Employer)

By \_\_\_\_\_

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

TELEGRAM

Exhibit 10

MAJOR GENERAL LEWIS B. HERSHEY,  
DIRECTOR SELECTIVE SERVICE SYSTEM  
WASHINGTON, D. C.

March 24, 1945

Considerable dissatisfaction in many parts of the State over induction of agricultural workers necessary to the production of essential foods. This brought about largely through lack of definite policy of Selective Service. Reliably informed proportion of induction of agricultural workers in California much greater than in other states. Urge investigation of situation and that clarifying instructions be sent at once to State office of Selective Service and to local boards in California so that essential crops may be produced.

RAY B. WISER, President  
California Farm Bureau Federation

(Reply)

## NATIONAL HEADQUARTERS, SELECTIVE SERVICE

Washington 25, D. C.  
March 28, 1945MR. RAY B. WISER  
PRESIDENT, CALIFORNIA FARM BUREAU FEDERATION  
BERKELEY, CALIFORNIA

DEAR MR. WISER: Receipt is acknowledged of your telegram of March 24, 1945, expressing dissatisfaction over the induction of agricultural workers.

Registrants in agriculture are classified under the Tydings Amendment which provides for the deferment of every such registrant who is considered to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort and for whom a satisfactory replacement is unobtainable. The agencies of the Selective Service System have been instructed to consider for induction only those registrants in agriculture who do not qualify for deferment under the above provisions of the Tydings Amendment.

Every registrant in agriculture has the right to appeal his case if he believes that he has been classified erroneously. The registrant, his claimed dependents or any person who has filed written evidence of his occupational necessity may appeal to the board of appeal, and in certain instances to the President, by filing written notice with the local board within ten days after the mailing of the Notice of Classification.

For the Director,

S. G. TINSLEY GARNETT, Lt. Colonel, Signal Corps, Manpower Division

Exhibit 11

UNITED STATES DEPARTMENT OF AGRICULTURE  
WAR FOOD ADMINISTRATION

WAR BOARD

P. O. BOX 247  
BERKELEY 1, CALIFORNIA

MARCH 14, 1945

War Letter No. 625

LABOR — No. 105

*Re: Review of Selective Service Appeal Cases in Agriculture*

Recent experience has again demonstrated that the best results in deferment of agricultural workers have been secured when the County War Board and the Selective Service Local Board work closely together; best not only in number of registrants deferred, but in the quality of such deferments since Selective Service is also interested in seeing that the best qualified men are deferred. In other words, *deferments are obtained at the county level.*

Some County War Boards have lately worked out cooperative arrangements where none existed before. In cases where cooperative relationships have been in effect for months and even years, appeals or requests for assistance in securing deferment are a rarity! For emphasis we repeat; if your County War Board wants necessary agricultural registrants deferred then work continually with your Local Selective Service Boards. (Incidentally, there is more to working with a draft board than just "working them over" when they don't do exactly what you want.) No matter what success or lack of it you may have had in the past if the War Board wants good cases deferred it *will develop* a close working relationship with the Local Draft Boards.

Henceforth it will be the policy of the State War Board to return appeal cases or requests for intervention to County War Boards unless *new, substantial* evidence not previously considered is submitted supported by independent investigation by a County War Board member.

This policy has been determined to be necessary following the information that State Selective Service Headquarters is reviewing in Sacramento each case of an agricultural registrant taken to appeal, regardless of whether the registrant is sustained in I-A or deferred in II-C by the Appeal Board. Each case file on appeal is now routed back to the Local Board by way of Selective Service Headquarters. Of late the only cases in which the State Director has intervened following Appeal Board determination are those in which have occurred denials of procedural rights by the Local Board. These have been few. When both Local Board and Appeal Board have agreed in their judgment, and procedural rights (both of the County War Board and the registrant) have not been violated, the State Director has consistently rejected requests for reconsideration.

New evidence is needed particularly on any of the following items that apply:

- (1) If the case is a father and son deal why is the *son* necessary? In Selective Service's eyes father and son deals are hard to justify.

- (2) Give complete details of all other men who are working on the farm and reasons why none of them can do the work now handled by the registrant.
- (3) What is the work history of the registrant and why is he necessary to this job?
- (4) What efforts have been made to get a replacement? This should not be a general statement such as "The shortage of milkers."

Although all this may sound unnecessary, the County War Board should realize that generally the best cases have already been put into Class II-C and action is being asked for registrants who have already been classed I-A by both Local and Appeal Boards. A good story is needed to overcome such handicaps.

The State War Board is willing to assist County War Boards get justified deferments but there is no use going to Selective Service Headquarters with only the same information they have already considered and passed on. We have no special persuasive powers with which to induce them to change their minds. Also, our influence in asking for intervention in well supported cases is weakened when we try on others; hence, this advice to you that only good cases supported by new evidence based on a personal investigation by a War Board member will even be attempted.

DAVE DAVIDSON, Chairman  
California USDA War Board

#### Exhibit 12

#### Amendment to the Selective Training and Service Act of 1940

(From Congressional Record, April 18, 1945, Page 3549)

That Section 5 (k) of the Selective Training and Service Act of 1940, as amended, is amended by adding at the end thereof the following new paragraph:

"In carrying out the provisions of this subsection, the selective-service local board in classifying the registrant shall base its findings solely and exclusively on whether the registrant is necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort and whether a satisfactory replacement can be obtained, without reference to the relative essentiality of the registrant to an agricultural occupation or endeavor as compared with any other occupation, service, or endeavor; and the foregoing provision of this sentence shall apply upon any appeal or review of a decision made thereunder by a selective service local board. Such deferment shall be made by said board without consideration of any other circumstance or condition whatsoever; and during the period of such deferment for such purpose, no other classification, of said registrant, shall be made by said board: Provided, that no registrant who is qualified to serve in the armed forces shall be deprived thereby of the right to volunteer for such service."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The following page is from the Sacramento Bee, May 3, 1945, stating President Truman vetoed the bill liberalizing draft deferments for farm workers.

#### Exhibit 13

#### Truman Vetoes Farm Worker Deferment Bill, Is Sustained

(From Sacramento Bee 5/3/45)

WASHINGTON, May 3.—(AP)—President Truman won his first tussle with Congress today when the house emphatically sustained his veto of legislation liberalizing draft deferments for farm workers. The roll call vote was 185 for overriding and 177 against. Two-thirds, or 241 votes, were necessary to override.

Truman criticised the bill as discriminatory in putting "the agricultural group \* \* \* on a plane above both industrial occupation and military service."

Republicans voted almost to a man to override, but were unable to muster enough Democratic aid to give them a two-thirds majority.

Supporters of the legislation had won a preliminary test.

They turned back, by a record vote of 194 to 168, a motion to send the legislation back to the military committee, which would have had the effect of pigeonholing it at least temporarily.

It was Truman's first tussle with congress since he became President April 12th.

#### OBLIGATION TO SERVE

"In time of war it is the paramount obligation of every citizen to serve his country to the best of his ability," the President said in his veto message to the house.

The President said he did not believe Congress really intended, in passing the Selective Service Act, that agricultural workers "should be given blanket deferment as a group."



He added he thought Congress had not intended it to be the national policy that agricultural employment "was more essential than any other type of employment, including service in the armed forces of the United States in the protection of our country."

The vetoed measure would have revised the Tydings amendment to fix a procedure for deferment of agriculture and kindred occupations according to work actually performed.

#### AGAINST GROUP PRIVILEGES

Asserting that in his opinion, "no group should have any special privileges," the president declared:

"Enactment of such a law would not only be an injustice to the millions already inducted into our armed forces and those yet to be inducted. It would do violence to the basic principle embodied in Section 5 (E) (1) of the Selective Training and Service Act which prohibits deferment by occupation groups or groups of individuals, a principle which was incorporated into the present law because of the deferment scandals of the last war, particularly in shipyards.

"The resolution would also limit the authority now vested in the President by Section 5 (1) to make final determination of all questions of exemption or deferment under the act, and would deprive him of the right to determine the relative essentiality of the needs of agriculture and the armed forces."

#### BLUEPRINTS PROCEDURE

The vetoed amendment grew out of congressional dissatisfaction with draft board administration of the Tydings Act which blueprints procedure to be followed by local draft boards in considering cases of farm workers. It provides that a man shall not be inducted if he is regularly engaged in an essential agricultural job, and a suitable replacement can not be found.

The amendment by Representative Flannagan, Democrat of Virginia, went a step further by expressly ordering the deferment of such men without regard to the relative essentiality of farm workers or non-farm workers in any area.

It directed they be deferred "without consideration of any other circumstance or condition whatsoever."

#### DEFERMENTS ARE GRANTED

War Manpower Commissioner Paul V. McNutt announced today that certifications have been issued for selective service deferment of 5,500 more key workers 18 through 29 years of age.

This brings the total to about 353,000, or approximately 50 per cent of the industrial workers in that age span.

The certifications were distributed as follows:

Department of Agriculture, 1,000 deferments to take care of small employers engaged in food processing; Petroleum Administration for War, 2,000, and the Office of Defense Transportation, 2,500.

The authorizations were granted by the government's interagency committee, which announced it had rejected ODT's request for a blanket deferment of all transportation workers. Deferment for a high percentage of these workers had been approved previously.

The interagency committee is made up of representatives of selective service, the War and Navy departments, the War Production Board and War Manpower Commission.

#### Exhibit 14

##### Surplus Property Disposal

Editorial in New York Times March 26, 1945

(Printed in the April 17, 1945, issue of Congressional Record Page A 1896-7 at the request of Hon. Daniel A. Reed of New York)

Estimates of the volume of surplus supplies when the war ends have exceeded \$100,000,000,000. The magnitude of these supplies is so enormous that there are bound to be serious repercussions upon our economy if we do not have a carefully formulated program of disposal. While greater progress has been made in this direction than during the First World War, we still seem to be only in the preliminary stages of policy formulation and organization. In this connection the findings and recommendations of the Mead Committee concerning developments to date must be given careful consideration.

Among the findings were these: The Surplus Property Board has formulated no general policies. The "administrative organization for surplus disposal has been extremely confused." Sales of these supplies should be given more "immediate and wide publicity" than in the past. The operations of the Surplus Property Board have been handicapped because of inadequate funds. Surpluses have not been declared promptly, and where they have been declared have not always been promptly sold. For example, only about 15 per cent of the goods declared to be surplus had been sold up to February. The armed forces have not laid out the procedures to be followed when the European War is ended, or determined which



items shall be declared surplus and which they expect to use in the Pacific. Lack of coordination is indicated by the fact that some items have been declared to be surplus in some plants, while shortages of the same items prevail in other war plants. Finally, the committee reported that unless immediate action is taken to correct the present inadequacies, the result might be "as chaotic a situation as we had at the end of the last World War."

These findings indicate the need for a prompt overhauling of surplus disposal policy. It is now about six months since Congress enacted legislation creating the Surplus Property Board. While this legislation is inadequate in some respects, it does furnish the basis for prompter action than has thus far developed. The committee is justified in its criticism that the formulation of general policies is "long overdue." It will be highly unfortunate if we should find ourselves only partly prepared to handle the problem of surplus disposal despite all the attention that has been focused upon it. In this field, as in many other phases of our postwar policy, the sands of time are running out rapidly without sufficient progress being made.

**Exhibit 15****California Farm Production Council**

To: California Farm Production Council; Frank M. Shay, Chairman

From: George Wilson and W. L. Smith

Subject: Report of Surplus Property Committee

Date: October 4, 1944

Pursuant to council direction at its last regular meeting, the committee appointed by the chairman, working with members of the staff, has conducted a study to determine in what way or ways the council can participate in the disposal of surplus war goods.

A conference was held October 2d, with representatives of the following state-wide organizations in attendance: Farm Bureau, Agricultural Adjustment Administration, State Chamber of Commerce, and Extension Service. A thorough discussion was held on the subject, including a rather full report by Mr. V. E. Haslam of AAA, outlining that department's procedure for the disposal of surplus army trucks, tractors, and farm machinery.

On October 3d, the council committee, Mr. Frank Shay and four members of the council's staff, attended a meeting of the Surplus Property Subcommittee of the State Reconstruction and Reemployment Commission held at San Francisco and conducted by Mr. Lyman Lantz. The principal speaker (Mr. Frank Bain, Executive Secretary of the Council of State Government), explained in detail the Colmer Bill which provides for the disposition of surplus Federal property. At the conclusion of the morning's discussion, the Surplus Property Subcommittee by formal action reaffirmed its former position of requesting the Farm Production Council to develop immediately ways and means for wide distribution of surplus Federal property to farmers of California.

Your committee also met with Mr. Bonnett, Regional Deputy Director of United States Treasury, Procurement Division, and Mr. F. G. Moyer, Chief of the Property Utilization Division, and discussed the possible ways the council might cooperate with the Treasury in the disposal of property. Mr. Bonnett pointed out that as of this date there was little property of interest to farmers but that shortly large quantities would be available. Mr. Moyer further stated that they would welcome the assistance of the council and, in fact, would gladly work with a council representative and develop a procedure whereby agriculture would benefit from the cooperation of the two agencies.

Your committee's findings and recommendations are embodied in the attached resolution which the committee respectfully submits.

WHEREAS, Great amounts of surplus Federal property will shortly be available to the general public; and

WHEREAS, Farmers of the State of California have need for many items of said surplus property; and

WHEREAS, Federal legislation provides for the disposition of said surplus property on a priority basis; and

WHEREAS, State government, under existing Federal legislation, is allocated second priority for the acquisition of said surplus property; and

WHEREAS, The State Reconstruction and Reemployment Commission has requested the California Farm Production Council to assist in the wide distribution of said surplus property; and

WHEREAS, Various farm organizations and individual farmers have expressed the desire for the council to assist and participate in the wide distribution of said surplus property; and

WHEREAS, It is evident that a State-wide organized effort is needed to distribute quickly said surplus property; now, therefore, be it

*Resolved.* That the California Farm Production Council shall undertake the project of assisting in every way possible the authorized Federal agencies in the development of plans for wide distribution of Federal surplus property to California agriculture; be it further

*Resolved.* That the council shall assist in the distribution of said surplus property to agriculture as a service agency and not as a purchaser or seller of said property; be it further

*Resolved.* That the director be authorized to use the facilities of the council to exhibit samples of available property, receive and transmit orders for said property and perform such other functions as may be necessary in connection with the foregoing resolution.

Exhibit 16

#### News Release from Governor of Farm Credit Administration

Release Date: March 27, 1945

"Food production in 1945 will be more important than in any year since the war began," said I. W. Duggan, Governor of the Farm Credit Administration, "but farmers will rise to the challenge." Governor Duggan is here from Kansas City to attend the regular monthly meeting of the Berkeley Farm Credit Board.

"There will be a market at sustained prices this year for every ounce of food farmers can produce," he continued. "Farmers are keeping their weather eye to postwar problems, though primarily concerned with the immediate task of food production." Pointing to the fact that a lot of what now looks like profit will have to be spent after the war to replace worn-out equipment, make repairs and rebuild fertility of the soils, the Farm Credit governor urged farmers to "salt" money away in war bonds, "earmarked" for specific postwar uses. One of these uses, he said, may be to help shift over into more diversified crops or away from some of the war crops that farmers have been producing. "Agriculture faces much greater reconversion problems than do industry and labor and aside from a short period of foreign demand from war-ridden countries for semirelief, there is no great backlog of orders for agricultural products," he said.

Repayments of mortgage debts have reduced the annual interest bill of farmers and ranchers in California, Nevada, Arizona and Utah, by more than \$3,000,000 since 1940, Duggan emphasized. The FCA official also pointed out that land prices in the last few years for the whole United States were up nearly 50 per cent on the average compared with the 1925-39 level. In some areas percentage increase is much greater. "Farmers and ranchers should 'Stop, Look and Listen' before going into debt to buy land at the price for which it is now selling in most areas," Duggan declared. "Too many people are thinking of land values in terms of present income instead of normal value. Experience has shown that it is farm income over a period of years which really counts in determining the value of land."

PAUL PARKER, Information Agent  
Farm Credit Administration of Berkeley, California

Exhibit 17

#### Report on Investigation of Manpower by Subcommittee on Appropriations, United States Senate

(From Congressional Record 3/5/43)

By Hon. Theodore Francis Green of Rhode Island

#### *Agriculture Presents the Most Difficult and Critical Manpower Problem But the Army Is the Last Place, Not the First Place, to Look for Its Solution*

The most critical manpower problem and the most difficult one to solve is that of providing the necessary farm workers to produce the crops necessary to feed our own armed forces and civilian population and still meet our foreign commitments. It has been charged that the Army, in determining its strength for 1943, ignored the needs of agriculture for manpower to such an extent that enough food will not be produced to go around. The evidence presented here shows that the Army has not ignored agriculture in the war effort. On the contrary, it shows that the proponents of a smaller Army are ignoring the unpleasant but vital fact that total war, by its very nature, places a most severe strain on manpower and agriculture as well as on all the other resources of the country in order to support armed forces of sufficient strength to crush the armed forces of enemies mobilized for total war. It shows that to cut the Army as a first resort to ease that strain is to admit the inability of the country to wage the total war she has entered. This is, in short, to admit defeat before we have begun the battle. This is unconscionable. Every other means of meeting this critical and difficult problem must be exhausted first. All the evidence clearly shows that this has not been done.

*Manpower and Food Must Be Mobilized for Total War on a Scale Comparable to That of Our Enemies' and Allies' Efforts*

It is a noncontroversial fact that we are still living in this country on a high peacetime standard with regard to everything, and particularly food. In fact, the standard of food for the civilian population is higher than is has ever been before due to the ability of the worker to purchase more and better food than ever before.

We are engaged in a life and death struggle with powerful and brutal nations who have fully mobilized all resources of manpower, food, and other materials for total war. There does not appear to be as full a realization of these facts in this Country with regard to food and manpower as there is with regard to critical materials. We have established rigid controls on nonessential use and on allocations of materials. But, up to now, we have not yet begun to do these things with regard to the vital war resources of food and manpower on any scale comparable to that of our enemies nor even to that of our allies.

*1943 Food Program Can be Met If Food and Farm Labor are Properly Distributed*

As a matter of fact, evidence presented here has demonstrated that at the present time we have ample food if it is properly distributed. Very little consideration has been given to the fact that increases in our armed forces substantially reduce the requirements of the civil population. However, we can get along with a great deal less food, both in and out of the armed forces, especially if we ration ourselves to the extent that even the English have, to say nothing of the Germans and Russians. It has been reported that English children raised under the ration system are more healthy than before rationing. The same thing is true of the health of the English worker and his efficiency. This is due to the fact that the ration is a better balanced diet than that which they were accustomed to. I am sure that the health of the people of this country would be much better if they ate a better balanced diet, and that this can be produced in adequate quantities.

It is true that the agricultural program for 1943 requires an increase in the production of certain crops over that of 1942. It is not true that a shortage of farm workers, due primarily to the expansion of the armed forces, will necessarily prevent this program from being met. Nor is it true that a reduction in the number of men to be inducted into the Army during 1943 is the way to solve the problem. On the contrary, the January 13th Labor Report of the Department of Agriculture shows that there were more than 8,170,000 workers on farms as of December 31, 1942. This is only 100,000 less than were on the farms December 31, 1941; yet the armed forces were expanded by almost 5,000,000 during 1942. Total farm production in 1942 exceeded that for 1941 by 12 per cent. A recent survey of the Department of Agriculture disclosed that two-thirds of all farmers expect to meet and excel their 1942 production, despite the tightening labor situation. There have been many reports of a scarcity of skilled help for dairy and poultry farms, but total milk production during January, 1943, surpassed the record established for the same month last year. Egg production during January was also substantially higher than a year ago.

*Principal Drain on Agricultural Labor is Industry, Not Army*

The principal cause of reduction in the number of farm workers is the attraction of high-paid employment in war industry where common labor receives pay varying from 65 cents per hour to \$1.25 per hour, and further, time and a half for overtime and in a few cases double time for overtime. This work is in cities where living and working conditions are better. These jobs are most attractive to farm laborers who are paid as low as \$1.05 a day with board or \$1.35 a day without board.

Loss of manpower by the farms to the military services is secondary. To reduce the number of workers leaving the farms to enter the armed forces, Congress passed an amendment to the Selective Service Act (the Tydings amendment) which provides for deferment of workers on productive farms. This amendment has reduced the number of farm workers being inducted into the military services but it has not stopped the drift of farm labor to high paid industrial jobs. The War Manpower Commission, by an order, froze farm labor employed on dairy farms, poultry farms, and cattle-feeding farms. This measure has been ineffective due to a lack of sanctions to enforce it. Far more men left the farms to go into industry than to join the armed forces. During the period of September, 1941, to September, 1942, 921,000 workers left the farms to enter industry, while only 694,000 were drafted or volunteered for military services. Therefore, reduction in the size of the military force will not solve the farm labor problem. As a matter of fact, it would have little effect because farm workers on productive farms are already deferred from military service and a law which would but prohibit the military services from taking farm labor could do little more.

The problem of farm labor is a serious one and it must be solved but the reduction of the Army is not the way to solve it.



### *Solution is to Keep Essential Farm Labor on Productive Farms*

The most important and most necessary step to stop the flow of farm workers to high paid industrial jobs is one which will hold the existing supply of farm workers on essential farm jobs. There seems no way of doing this except by some law such as in effect in England and Canada.

### *One-third of Country's Farms Produce 84 Per Cent of All Crops*

Another step is that farmers operating subsistence or submarginal farms could be moved to productive farms and the small subsistence farms be cultivated by the farm laborer's family, or several such farms could be cultivated by a single farmer and his family. One-third of the farms of this Country produce only 3 per cent of the total crops of the country. On the other hand, one-third of the farms of the Nation produce 84 per cent of the farm crops of the Nation. Obviously the employment of the labor on some of our farms is used most ineffectively and in a manner not consistent with the demands of war for the most efficient productivity of all resources of men and materials.

### *Many Other Steps Should Be Taken Which Will Solve Problem Without Reducing Army*

Another step that can be taken is the immediate importation of Puerto Rican labor for farm work for the duration of the war. There are several hundred thousand Puerto Ricans unemployed and anxious to work at the present time. Mexican farm workers should be brought into the country in far larger numbers than the Department of Agriculture and the War Manpower Commission imported last year.

Another step that can be taken is the utilization of the Japanese in the concentration camps of the War Relocation Authority. Other aliens in internment camps and prisoners of war, who will be coming into this country in ever-increasing numbers, should be utilized as farm labor insofar as practicable.

Another step is a national publicity campaign to stimulate the return to the farms of farm laborers now employed in industrial plants.

Another step is an intensive recruiting campaign among workers in banks, real-estate offices, insurance offices, stores, school children, school teachers, and women not in the labor force, in small towns for work on the farms during the planting and harvesting season. This program is now being carried out by the Department of Agriculture and the War Manpower Commission.

Another step is intensification of the training program of the Department of Agriculture, augmented and assisted by agricultural training programs under the vocational educational authority of the States. This training program is necessary to increase the efficiency of our farm labor.

During the last World War a great deal of the food was raised by small victory gardens. An intensive campaign to promote the development of victory gardens and poultry raising in the back yards throughout the Nation would materially increase our food supply. Housewives and school children could tend these gardens and tend the poultry with no inroads whatsoever on the manpower supply of the country.

A greater utilization of the over 6,000,000 women living on farms but not included in the farm working force, would also help to solve the farm-labor problem during the harvest season.

Another step is providing sufficient labor-saving farm machinery by pooling such machinery in counties in order to secure maximum use. Where possible that use should be on a 24-hour basis, 7-day week. Adequate spare parts for farm machinery should be assured by the War Production Board.

### *These Steps Solve the Problem Without Reducing the Army --As a Last Resort Troops Can Harvest Crops in Emergencies.*

All these steps should be taken before cutting down the size of the Army which the joint chiefs of staff have decided are essential to their plans for defeating the enemy as early as possible. These steps are all practical and will solve the farm-labor supply for the calendar year 1943. They make possible the labor necessary to meet the food program as now set up by the Department of Agriculture.

They are no more than the dictates of modern war require and less than our enemies and many of our allies are already doing. They require no cut in the size of the Army.

The War Department has presented a plan whereby Army troops could be used to help harvest crops in emergencies even though this would interfere with their Army training. Under this plan these troops would be used as military units so that they can be adequately housed, fed, and disciplined. This does not mean that the troops of such a unit must all work on a single large farm so that small farmers could not be helped. The individual members of the military unit can work on all the farms surrounding the location of the camp of the unit.

The Army, in determining its size for 1943, has very evidently given long and serious consideration to the needs of manpower to produce the necessary munitions of war and food necessary for all our commitments, as well as to civilian production of items necessary for the health and comfort of our people. The figures presented in



support of the plant of the combined chiefs of staff clearly prove that we have ample manpower in this country to provide armed forces necessary to win the war as quickly as possible, to provide the workers necessary for essential industries, and for the protection of the Department of Agriculture's food program. However, it is clearly apparent that manpower must be allocated and employed efficiently if we are to meet all these requirements. This will require an efficient mobilization of all the country's resources, including agricultural manpower. Failure to do so will jeopardize the winning of the war.

## Exhibit 18

**Essential Requisites for Food Production**

By Albert S. Goss, Master, National Grange, February 20, 1943

(At the request of Hon. George D. Aiken of Vermont, this speech was printed in the Congressional Record March 5, 1943)

Since the dawn of history the greatest problem of mankind has been food and clothing. First, we must eat. We of the present generation of Americans have never appreciated what this means. Living in the most productive Nation on earth in the age of greatest abundance, we have come to take an ample food supply for granted. Even in this era of abundance, we have been living close to the margin of insufficiency. In fact, during our days of prosperity a large part of our population was not well fed. This is attested by the fact that when our income increased some 15 or 20 billions in 1941 we bought 11 per cent more food than during the five years previously (1935-39). Incidentally we used less in 1942 because we couldn't get it, and now we are brought face to face with the problem of food for the first time in the lives of most of us.

For nearly two years we have been trying to point out the dangers of a food shortage and what must be done to prevent it. For a year over this radio station and through every means at our command, we have been warning of the dangers ahead if we continued our shortsighted farm- and price-control policies, but for the most part our warnings have gone unheeded, or we have been called alarmists, profiteers or pettifoggers, and we have gone blindly ahead pursuing the policies which are chiefly responsible for our shortages.

Now with rationing, black markets, and real shortages at our door, we seem to be getting hysterical. Congressmen, editors, and radio commentators are talking about millions of Americans starving. There is no need for hysteria. We are going on more limited rations, and we can't eat many of the things we want, but we are not going to starve over here. Let us look the facts in the face and try to see just what is ahead of us.

America can raise enough food to feed itself and our own armed forces and feed them well. We cannot raise enough to feed both ourselves and our allies well. The problem reduced to simple terms is two-fold.

First, how much are we going to be willing to sacrifice to aid our allies; and, second, how can we maintain maximum production so that hunger can be kept at a minimum at home and abroad?

If we maintain maximum production at home, if we do the very best we can to raise all we can, the American people generally are not going to complain too much about sacrifices necessary to supply our allies. If we don't raise all we can, if we have to make unnecessary sacrifices, and if our allies don't get all we should be able to give them, our people could and should complain. Our present shortages are due almost entirely to the mistaken and short-sighted policies against which we have been warning for many months. So far these shortages have not been serious at home. Many have been inconvenienced, but nobody has really suffered. At best the inconvenience is going to become worse. Our problem is to hold it at a minimum and to do our best to prevent real suffering among our allies.

In my judgment the peak of food production has been reached and we are now on the decline. That decline can be halted and possibly put into reverse if we adopt a sound program. This means a right-about face on a number of National policies, for it is difficult to conceive of a program more effective in reducing food production than to carry out some of the policies we are now pursuing. Farmers are told that they must produce more food with less labor, less machinery, and less fertilizer. Let's be sensible. It can't be done. If we put our dependence upon fine phrases, we will have less food.

**PRESENT PRODUCTION OUTLOOK**

In 1941 and 1942 we have harvested the two greatest crops in history and Secretary Wickard has set up goals for the 1943 production substantially above 1942. I believe the farmers are going to give all they have in them to try to meet them. They are going to do a good job, but our chances of meeting the goals are rather poor. Unless most unusual conditions prevail, or unless there is a change in price-control policies in Washington, our chances of doing even as well as last year are pretty slim.

1. We had the best growing season on record in 1942. Under the law of averages, we cannot expect its equal in 1943.

2. We have not been able to maintain our equipment, and replacements are cut to about one-third of our 1940 level. Power machinery is badly needed. Last year we were allotted 197,000 tractors, almost but not quite enough to cover replacements. This year we are cut to 37,000.

3. We have lost over 3,000,000 men from our farms, and while the drain has been slackened, it is still going on.

4. Price control policies have been forcing many farmers out of production. They have forced unfattened beef cattle and producing dairy cows to the slaughter block at an unprecedented rate.

#### REMEDIES SUGGESTED

Now, what can be done about it?

1. We can't do anything about the weather. Even the Office of Price Administration can't regulate that. We can only hope and pray for the best, but we will have to take it as it comes.

2. As to equipment, we are in no position to say where the critical materials are most vitally needed in the form of equipment. It may be best to let food production go down in order to build escort vessels or airplanes. All we can do is to urge that in building an armed force we keep our economy in balance, so that we develop no weak sources of supply because of having overbuilt some segments of our total war machine. However, we should recognize that without essential equipment, food production will decline, and measure carefully the effect on our war economy.

3. There are several approaches to the manpower problem, but the one most favorably considered in some quarters is the least workable, in our judgment. I refer to the proposal to freeze the men on the farm. Not only is it un-American but an unwilling worker is not worth his hire. He can and likely will do more damage than his services are worth. We want none of it.

The two great drains on farm labor have been military service and war industry, the latter taking twice as many men as the former.

The Tydings amendment, which provides for deferring essential, nonreplaceable farm labor, will relieve the pressure of the military service if administered according to its intent.

Some relief can be expected from mobilizing and training school labor and women workers, but this could not be great at best. Some substantial help can be expected from moving farm hands with more or less experience from places where production is low to work where production possibilities are high, but such labor placement must not be surrounded with unworkable conditions.

#### DRAIN TO INDUSTRY

As to the drain to industry, we believe that the greatest source of relief in the farm-labor problem would be to find means for everyone everywhere to do a full day's work during the war emergency. With the average workweek in industry at less than 43 hours, farmers who work from 60 to 160 hours can see little hope of keeping farm labor from seeking war-industry jobs at war-industry wages. They believe that if everyone worked 74 to 60 hours there would be manpower enough for all. Then with farm prices on an equitable level farmers could get their share of the labor supply. They don't believe we can win the war on a basic 40-hour week, when our enemies are working from 60 to 75 hours.

Farmers view the recent 48 hour mandate with mixed feelings. It should make some more men available, but actually the increased hours at time and a half for overtime increases the wage discrepancy, and early reports indicate will draw still more men from farms. The action is a good illustration of the fallacies of the unbalanced price-control policy which underlies most of our trouble. The American public is told that two great groups are contributing to serious dangers of inflation—agriculture and labor. To prevent disaster we are told that it is necessary to freeze farm prices and wages where they are. In the next breath industrial wage rates are boosted 84 per cent while ceilings are clamped down to prevent farmers, merchants, and other from changing their prices to meet this increased cost. Figure it out for yourself. Forty hours at \$1 an hour equals \$40. Add eight hours at a dollar and a half and you get \$52 for 48 hours work or \$1.081, a boost of 84 per cent. The time-and-a-half provision was enacted into law to force employers to spread the work in times of unemployment. Now in time of labor scarcity, and with labor drawing the highest income in history, wages are given another boost to preserve social gains, with no regard to the effect on the food supply.

This takes us to the heart of the problem. There are two schools of thought with reference to handling food and inflation.

The first advocates adjusting prices to meet increased costs. This is based on the philosophy of abundance. There is no surer way to avoid inflation than to provide an abundant supply. Where abundance sufficient to control prices is impossible, rationing can be used to assure equal treatment to all. This school believes that price-fixing should be used only to prevent profiteering.

The second advocates freezing prices and using subsidies to meet farmers' increased costs. This leads to untold governmental regulation, to black markets, and to scarcity. It never has been successfully done over any extended period in the history of the world.

I will use just one illustration to show what an impossible program we are undertaking. Ceilings have been placed on milk. Milk costs fluctuate rapidly due to weather, pasture conditions, costs of feed, labor, and a thousand things. Four or five months ago the dairymen of Southern California sought relief from ceilings which held their income below cost. The California Milk Control Board had all the figures, but for months could get no action. In the meantime local hay became exhausted and dairymen had to reach farther and farther for a hay supply. The price rose from about \$28 to \$40 a ton. The Office of Price Administration proposed to meet the situation by putting a ceiling of \$30 on hay. That works all right on the economists charts in Washington, but hay can't be bought and shipped where needed at such a figure. Dairymen have to bootleg hay or sell their cows, for cows can't wait five months for something to eat. The result has been an enormous slaughter of dairy cows. A similar situation prevails all over the country.

The policies of the Office of Price Administration have been more responsible for food shortage than all the other causes combined, and the shortages are resulting in blackmarket operations which are already attaining volume approaching a scandal. We are persistently pursuing a policy of trying to do the impossible. Last Monday a representative of the Office of Price Administration flatly refused to recommend a change in milk ceilings which were below cost because it would affect the Little Steel formula.

Here we are, in the days of our greatest National income, with surplus purchasing power causing inflation nightmares, refusing to let the people pay the cost of producing their food supply, and by that action strangling production. Today the public is paying the lowest per cent. of its income for food of any time for which records are available. Less than 22 per cent of the income goes for food, but in order to preserve so-called social gains, we are increasing our industrial wage scale 8-1/3 per cent and denying many lines of farm production the cost of producing the food. People with money to buy with would rather pay the cost of producing food than to go without it.

All this is being done in violation of the clear mandate of law. In the Price Control Act of October 1942, after setting up certain standards for controlling wages and prices the act says, "provided that modification shall be made in maximum prices established for any agricultural commodity \* \* \* in any case where it appears that such modification is necessary to increase the production of such commodity for war purposes." Could any instruction be plainer? The price-control policies now pursued completely ignore the law in this respect.

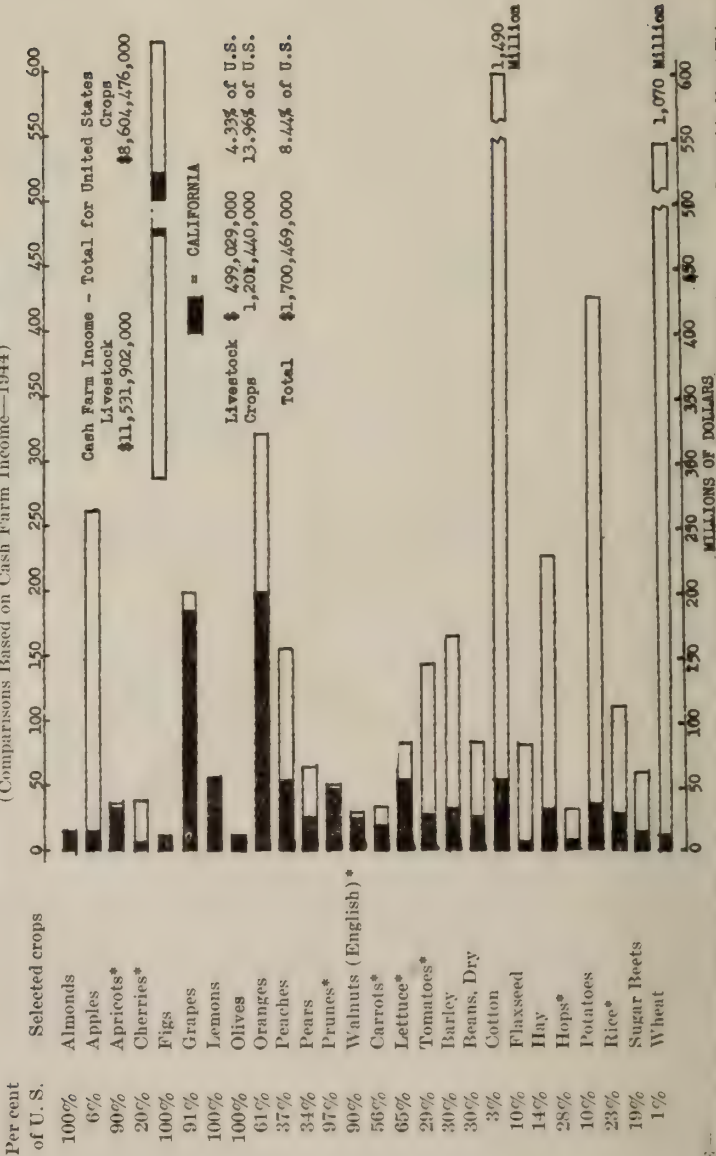
Please don't misunderstand me. Farmers are not asking any blanket increase in prices. On most crops prices are all right today, but on some, particularly those involving a lot of hand labor, such as dairying, for example in many localities, they are below production costs. These commodities are comparatively few in number, but they are vital in our food supply. If we don't get enough income to pay the costs of raising and harvesting such crops, we won't have the crops. There are 25,000,000 bushels of unharvested soybeans in the fields today. The same is true of sugar beets, peanuts, and a long list of other crops. Farmers are not incurring these losses because they want to, but because they can not help it.

The alternative to a compensatory price is a subsidy. Time will not permit an adequate discussion of this subject. Besides I have outlined the basis of the objections of the Grange many times before. Subsidies are no cure. They are an easy way to dodge a disagreeable issue, but they lead to inflation and disaster. I'll close with one illustration. Suppose we refuse to let consumers pay the cost of producing our food and make up the difference with subsidies. At the end of the war we will have developed an unbalanced economy which would have to be brought back into balance somehow. Our enormous debt will then necessitate cutting off the subsidies. Then one of two things will happen. Either farmers will have to raise prices or go bankrupt and stop producing. If they can't get the cost of production in times of full employment and excess income, what chance would there be to raise prices with unemployment staring us in the face? You know the answer. It is chaos. Every attempt in the history of the world to pursue the course we are now pursuing if persisted in, has ended in chaos. Any nation which can not or will not pay the cost of its food bill is headed for disaster, and America is no exception.



## Exhibit 19

**California Emergency Farm Labor Project**  
**California Agricultural Production in Relation to the National Total**  
 (Comparisons Based on Cash Farm Income—1944)



SOURCE: Bureau of Agricultural Economics USDA (Preliminary 1944). \* Cash farm income data incomplete. Estimates based on other BAE data.

Prepared by Marget Wakeman Lehart



## Exhibit 20

**California Emergency Farm Labor Project  
Agricultural Extension Service**

**Cash Farm Income**

**CALIFORNIA IN RELATION TO THE NATIONAL TOTAL — 1942-1944**

(Does not include Government payments or value of home consumption)

Source: BAE, U. S. Department of Agriculture

	<i>Crops</i> (thousands)	<i>Live Stock</i> (thousands)	<i>Total</i> (thousands)
<i>California, Per Cent of Nation, 1942-1944:</i>			
1942: California .....	\$767,839	\$380,512	\$1,148,351
United States .....	6,329,243	8,987,175	15,316,418
California, per cent of Nation .....	12.13%	4.23%	7.50%
1943: California .....	1,110,855	462,610	1,573,465
United States .....	7,980,026	11,188,998	19,169,024
California, per cent of Nation .....	13.92%	4.13%	8.21%
1944: California .....	1,201,440	499,029	1,700,469
United States .....	8,604,476	11,531,902	20,136,378
California, per cent of Nation .....	13.96%	4.33%	8.44%
<i>Per Cent of Increase, 1944 over 1943:</i>			
In California .....	8.15%	7.87%	8.07%
In the United States .....	7.83%	3.06%	5.05%
In the United States excluding California	7.78%	2.86%	4.78%

MARGOT WAKEMAN LENHART  
Farm Labor Market Analyst  
April 11, 1945

## Exhibit 21

**California Cooperative Crop Reporting Service  
P. O. Box 1258, Sacramento**

United States Department of Agriculture, Bureau of Agricultural Economics  
California Department of Agriculture, Bureau of Agricultural Statistics  
(Cooperating)

March 20, 1943

**Estimated Crop Losses in California Due to Farm Labor Shortages During 1942**

In response to requests from several groups identified with the State's agricultural industry, the staff of this Service has prepared estimates of the losses of California crops during 1942 that may be attributed to farm labor shortages. On January 20 a preliminary report was released covering this subject. The estimates appearing in that report have been revised where necessary, and are included herein, along with similar estimates for cotton and walnuts.

Such estimates do not have the same degree of reliability as estimates of total production. In most instances they must be based upon partial checks and collective opinion, carefully weighed and appraised. While it would be possible to obtain fairly accurate records of losses from specified causes by making repeated farm-to-farm surveys for this purpose, it is obvious that such procedure would be prohibitive in cost. Losses of crops frequently result from a combination of causes, which makes it difficult to accurately evaluate the separate causes of losses.

It is well to bear in mind that some loss is sustained each year in the production and harvesting of perishable crops. Losses estimated herein as assignable to labor shortages apply to those over and above such usual harvesting losses or abandonment, and to losses sustained at other critical periods of crop development.

Some losses attributable to labor shortages doubtless took place in crops other than those listed, but such were small in relation to total production of each, and a reasonably accurate appraisal of them is not feasible. Additional intangible losses represented by reduced grade, quality, and price of products were sustained because of inadequacy of labor. Loss due to reduced grade, quality and price was especially heavy with respect to cotton. Again, the net income of producers was further reduced in many cases by excessive expenses in securing and maintaining labor crews, as turnover in farm labor during the past season was unusually high.

Loss of production directly resulting from evacuation of Japanese during the spring of 1942 is excluded from these estimates.

Crop	Harvested (Preliminary Estimates)			Estimated Losses Due to Farm Labor Shortages	
	Quantity	Unit	Total Value	Quantity	Value
Apricots -----	208,000	Tons	\$14,331,000	5,000	\$344,000
Cherries -----	27,000	Tons	3,996,000	3,000	444,000
Cling peaches -----	417,000	Tons	24,394,000	4,000	234,000
Bartlett pears -----	212,000	Tons	13,610,000	2,000	128,000
Prunes -----	174,000	Tons (dry)	24,360,000	1,000	140,000
Plums -----	66,000	Tons	5,108,000	6,000	464,000
Walnuts -----	57,000	Tons	16,530,000	900	162,000
Asparagus -----	79,960	Tons	10,907,000	700	80,000
Celery -----	5,905,000	Half crates	9,556,000	100,000	180,000
Strawberries -----	2,472,000	6-qt. crates	2,809,000	360,000	405,000
Canning tomatoes ---	798,600	Tons	14,744,000	130,000	2,405,000
Sugar beets -----	2,339,000	Tons	15,204,000	200,000	1,300,000
Cotton -----	432,000	Bales	42,336,000	35,000	7,595,000*
Cottonseed -----	193,000	Tons	9,264,000	14,600	701,000
Total-----				\$14,582,000	

\* Estimated loss in cotton includes that part of the crop not harvested, as well as loss in value because of weather damage before being picked.

The estimated aggregate value of all major California crops harvested in 1942 amounted to \$769,000,000.

Reducing these estimates of crop losses to a common denominator of values reveals that only a small part of the total fruit and field crops of the State was lost. The heaviest loss took place in cotton and canning tomatoes. However, had not extremely favorable weather conditions prevailed throughout the usual harvesting season, losses certainly would have been much heavier.

GEO. A. SCOTT  
Principal Agricultural Statistician

Exhibit 22

#### Reasons for Food Shortages

(From The Sacramento Bee, Tuesday, March 20, 1945)

(The first of four articles telling why food is short and likely to get shorter still, although American production is at record peak.)

By Ovid A. Martin, Associated Press Farm Writer

WASHINGTON, March 20—(AP)—The United States faces a food situation which soon may put civilians on the slimmest diet of the war.

This is true despite the fact we have had eight successive years of expanding and record breaking food production.

Why?

The question has been asked increasingly this month by housewives often unable to find butter, chicken, cheese, sugar and eggs.

The Senate has voted an investigation, with special attention to foodstuffs shipping to foreign lands.

#### THE EXPLANATION

Explanations are to be found largely in two facts:

The government released more food than it should have, judged by what we know now, to civilians in 1944.

In planning this year's production, officials operated on the belief the war in Europe would end in 1944.

To understand how and why shortages have developed let's first examine the food situation in broad general terms.

After a slump during the early depression years, food production began to increase in 1937. It reached a peak in 1944. The increase was sharpest between 1941 and 1944. By the latter year, the output was 38 per cent above the 1935-39 average.

#### PRODUCTION WILL BE DOWN

But in 1944, production of many commodities leveled off and started downward. Given average weather conditions, production this year probably will drop 5 to 10 per cent below that of last year.

Turn now to demand, or consumption. Like production, demand started rising in 1937. It shot up sharply after the United States got into the war. But unlike production, which reached its peak last year, the demand curve still points upward. The peak of the demand has not yet been reached.

## WHY DEMAND IS GREATER

More food is required now than at any time since the war started. There are two main reasons:

Military requirements—for both this country and her fighting allies—are larger than ever before.

Requirements for foreign relief and other export commitments have only lately come to the fore.

All this raises the question "why has production decreased?"

It should be said at the first that not all products are declining in production. Notable exceptions are cereal grains and milk.

But in the case of meat, butter, chickens, eggs, food fats and shortening and sugar supplies are going down.

## MEAT SETUP DRAWS FIRE

The meat situation is attracting the most attention—and the bitterest complaints.

To get a picture of how and why the meat shortage came to pass, let's delve into the government's livestock production program.

At the outset of the war, the United States had an enormous reserve of grain, accumulated under the "ever normal granary" program.

The government moved quickly to convert this grain into meat, milk, poultry, eggs and other livestock products by feeding it to animals. It spurred farmers with price guarantees and subsidized feed supplies.

## FLOOD OF LIVESTOCK

Farmers responded—and how! Livestock production—particularly hogs—shot up so sharply that by the Winter of 1943-44 the Nation's markets and slaughtering facilities were unable to handle it. Permit systems were set up, requiring farmers to hold market ready stock until room could be found for it at the markets.

This flood of hogs, coupled with a rising output of beef, soon was converted into a flood of meat—a flood which outstripped the rationing program, military needs, lend-lease requirements and cold storage facilities.

Faced with the possibility of losses through spoilage, the government took meat off the ration list in the Spring of 1944.

Civilians splurged. It is estimated they consumed meat at a record annual rate of nearly 160 pounds a person during the first six or eight months of the year. They now are down to a rate of about 126 pounds. During the '30s they averaged about 135.

## FAMINE OF PORK FOLLOWS

In producing this quick flow of hogs, the country depleted her grain reserves. This meant a sharp reduction of new livestock in 1944—which is being felt now in a relative famine of pork.

Looking back, it is easy to see that probably the government's price incentives were too favorable. Less favorable incentives perhaps would have still brought on a flood of hogs but within limits of processing and storage facilities. This would have helped avert the feed shortage of 1944.

And the government could have obtained more pounds of livestock products from the grain than it did. Its price incentive program encouraged farmers to feed hogs to extra heavy weights. A billion bushels of corn fed to hogs marketed at light or medium weights will provide more pork than the same amount of grain fed to hogs marketed at heavy weights.

Some idea of the inefficiency of the program may be gained from this official estimate: Twenty-five per cent more feed was used in 1943 than 1942, but output of livestock products increased only 13 per cent.

## Exhibit 23

(From the Sacramento Bee, Wednesday, March 21, 1945)

WASHINGTON, March 21—(AP)—Last Summer and Fall some Allied military leaders were saying the war in Europe could end by Christmas.

The government began to cut back production of war materials and arrange for a gradual conversion to peacetime production.

War Food Administration officials—haunted by the fear of farm surpluses, agriculture's troublemakers of the thirties—followed suit.

They believed if Germany were defeated in 1944 much less food would be needed to meet military and lend-lease requirements of 1945.

## SEVERE FEED SHORTAGES

Meat production was declining because of a severe feed shortage the first eight months of 1944. But bountiful harvests largely replenished feed supplies by the Fall of that year.

Fearing surpluses, the WFA made no effort to bring about a substantial revival in meat production—which a return of plentiful feed supplies would have made possible. The agency kept in force the reduced price guarantees for hogs which it established earlier when feed became scarce and live stock liquidation became necessary.



Had food officials planned last September with the idea the European war could continue well into 1945, they undoubtedly would have raised the hog price guarantee. This would have encouraged higher production late in 1944 and through 1945.

#### GRAIN IS UNUSED

As it is, millions of bushels of grain now stand unused because there are no animals to feed. When it became apparent there was to be no early end to the European fighting, it was too late to do anything which would have brought more pork to market before the Winter of 1945-46.

Only beef production is likely to be greater this year than last. But greatly reduced supplies of pork, lamb, mutton and poultry make beef all the harder to get.

Cattle men contend beef production could be even larger than now indicated had not price control and other regulations hindered production. They say that the spread between prices which "feed lot" operators must pay for unfattened cattle obtained from western ranges, and the prices which they get from packers for fattened cattle, has been too narrow. They say this discourages the feeding of cattle to heavy weights and quality grades.

#### CATTLE UNDERWEIGHT

Many cattle go to market thin and underweight. This deprives the Nation of 300 to 600 pounds of extra beef per head.

Official concern over possible surpluses is reflected in poultry and egg production, too. Last Fall, when end of the European conflict appeared to some to be near at hand, WFA called upon farmers to reduce egg-laying flocks and to plan fewer chickens for meat in 1945.

WFA was influenced also by unhappy experiences it had with an egg surplus in the Spring of 1944. More eggs were produced than the market could absorb or storage houses hold. Producer prices dropped sharply. This forced the Government to step in and buy eggs in order to carry out a price guarantee and prevent great waste. Even so, some of the eggs rotted.

Civilians could get all the meat they wanted then and consequently tended to eat fewer eggs. Now the situation has reversed. There is a shortage of meats and civilians are demanding more eggs as a substitute for meats.

#### FEWER EGGS, POULTRY

Yet this year's output of both eggs and poultry meat will be smaller than in 1944. WFA efforts to revive production came a little late.

Some WFA officials expect a severe egg shortage next Fall and Winter. This expectation is based upon reports of widespread sales of laying hens for meat and upon prospects that fewer eggs will move into cold storage this Spring.

The same policies and feed grain developments which caused the pork glut in 1944 have contributed to a tightening of cooking fats and shortening.

The butter shortage appears perplexing when milk production is being maintained at record levels. The explanation is simple. Government price policies tend to encourage putting milk into dairy products other than butter—chiefly bottled milk, evaporated milk, dried milk and cheese.

#### LABOR SUPPLY IS SHORT

Food production is being adversely affected by many other factors. The farm labor supply is the smallest in nearly 40 years. Farmers have not been able to get anywhere near the farm machinery needed. Fertilizers have not been plentiful. Shortage of rail and truck transportation has often interfered with movement of feed to live stock producers.

A recent Agriculture Department report said only 65 per cent of the Nation's milk cows were being milked on March 1st. This is the lowest percentage for that date since 1934 and the second lowest in 17 years.

#### Exhibit 24

(From the Sacramento Bee, Thursday, March 22, 1945)

WASHINGTON, March 22—(AP)—Government control of foods in wartime involves the regulation of distribution as well as production. Shortages of the past and present often reflect an uneven distribution.

Rationing is designed to distribute supplies evenly. But there are loopholes as well as violations which enable some consumers to get more than their share.

Even now, when complaints of meat shortages are rampant, show cases are well filled in some areas. Often in the same city one store will have more meat per customer than another.



## CLOSE TO PRODUCTION

Food supplies tend to remain close to the source of production. Normally, it is only when nearby consumers get all they want that supplies move out to areas of lesser production.

This has been true especially in the case of meats and butter, the great bulk of which are produced and processed in the Midwest.

Because of this—and some black marketing—there has been a tendency for a larger and larger portion of the hogs and beef cattle to be bought and slaughtered by small, local plants serving very limited areas. As a consequence, the large packing plants which normally supply the more distant areas have been getting a smaller portion of the meat animals.

## DEPEND ON BIG PLANTS

Aggravating bad distribution among civilians has been the fact that the government has had to depend very largely upon the bigger plants to supply the army and lend-lease and to provide foreign relief. These plants have been forced to cut down on supplies moving to their civilian customers.

The government from time to time has tightened regulations designed to channel more meat animals into pens of the larger plants, but those moves have not been completely successful. Officials say the only way to obtain an even distribution would be to place a policeman on every livestock farm, in every slaughter plant and in every retail store.

## REDS GET SALT PORK

Often complaints revolve around an insufficient supply of a particular cut or type of meat. For example, complaints are being made in the South of a shortage of salt pork, highly desired by some consumers there. Much of this type of meat, which the large packers would normally ship to the South, is filling lend-lease requirements of Russia.

Another cause of maldistribution is an understandable attempt on the part of some processors to favor their better customers. It is their desire to hold these customers for peacetime markets. Frequently transportation difficulties cause temporary local shortages.

Government distribution policies for sugar, as well as a wartime decline in the domestic production, have affected supplies of this commodity. Last year the government allowed civilians larger rations, principally for canning. It also increased allowances to industrial users, such as soft drink makers, bakers and candy makers.

These increased allowances, sharply opposed by some government authorities, had the effect of largely depleting sugar reserves. The action in granting larger rations was prompted largely by the belief the war in Europe was about over.

Now food officials regret their 1944 liberality. They since have reduced allowances for both civilians and industrial users.

Looking backward, it is easy to see now rationing could have been used more effectively in 1944 to make supplies of present shortage items last longer.

## CHANGED RATION SETUP

Meats, lard, shortening, other fats (except butter) and some canned foods were taken off the ration list in the Spring. They were not returned until late in December, after it became apparent the war would continue well into 1945. When they finally were restored to rationing, the action was not taken without an inter agency controversy.

The move was urged by the Office of Price Administration but was opposed by the War Food Administration.

This difference in opinion is explained largely by the fact OPA is "consumer minded." That is, it is fearful of shortages. WFA, on the other hand, is largely "producer minded" which influences it to fear surpluses. The matter was settled in favor of OPA by the Office of Economic Stabilization, referee in such controversies.

## Exhibit 25

(From the Sacramento Bee, Friday, March 23, 1945)

WASHINGTON, March 23—(AP)—Upon its entry into the war, the United States promised Axis dominated countries American food would "win the war and write the peace."

Propaganda broadcasts to Europe told of plans to set aside a portion of each year's production for relief stockpiles. Yet, except for wheat, dry beans and a few other minor items, no such stockpiles were accumulated.

As a result, the full force of foreign relief demands is falling suddenly upon current production.

### REASON FOOD IS TIGHT

That production is hard pressed to supply Allied and American military requirements are this country's civilian needs. That's one reason why food is tight now.

Two developments contributed largely to abandonment of the stockpile idea: (1) Reports, both official and unofficial, that European relief needs would not be so great as had been expected; (2) official fear that such stockpiles may become surpluses and unduly depress farm prices.

A warning that this country would face a situation such as exists today was made in 1943 by a special food advisory committee of the War Food Administration. This committee was made up of representatives of various government agencies concerned with the war food problem.

### IS NO FOOD BASKET

The committee declared the United States "cannot become the food basket of the United Nations." It urged immediate action be taken by the United Nations to obtain increased production of selected foods in other areas—particularly in colonial areas, neutral countries and in South America—to help meet war and foreign relief needs.

The committee took issue with what it called a "general impression that this country can make up deficits" in war and relief needs. It said:

"Americans as a whole, including those in government, have never wholeheartedly convinced themselves that we are out of the surplus days of the 20's and 30's. Surplus cobwebs have got to be brushed from an official brain on the subject of food. We must realize that food supplies will remain low until at least two years after the end of the war."

### LOST AMID OPTIMISM

A few moves were made to encourage production in other areas, but they, like the stockpile plans, were largely lost in the wave of peace optimism which gripped the country in 1944.

Evidence points also to a lack of coordination between agencies responsible for food production and those making promises to meet lend-lease and relief needs.

Those commitments far exceed requirements which WFA had expected, particularly in the category of meats, fats and vegetable oils and dairy products—the major scarcity items.

Because the foreign demands exceed WFA expectations, the government has set up a special committee headed by Foreign Economic Administrator Leo T. Crowley. This committee's job is to divide available supplies in a manner designed to meet essential military requirements minimum lend-lease and foreign relief needs without cutting American civilians excessively.

### MORE BELT TIGHTENING

This division, President Roosevelt told a news conference, will require further civilian belt tightening so that Americans may fulfill humanitarian obligations to the war hungry.

How long will this belt tightening last?

As far as meats are concerned, no improvement is in sight before fall or early winter. Marketings of livestock increase seasonally then. But no substantial increase in civilian rations is expected before 1946. By that time it will be possible to raise hog production above the present restricted levels.

### IMPROVEMENT COULD COME

Some improvement in the beef supply could come later this year if the government offered incentives which would encourage the feeding of cattle to heavier weights.

No improvement in civilian supplies of food fats and shortening is expected before 1946. The production of lard this year is expected to drop 25 per cent below last year, and official estimates indicate farmers will plant fewer acres to peanuts and soybeans, sources of vegetable oils.

The butter supply may not improve materially until after the defeat of Japan.

Shortages may exist for another year in the case of canned fruits and vegetables. Production of these items will be adversely affected by shortages of labor and materials.

Only in the case of cereals, including flour, are plentiful supplies assured.

A recent agricultural department survey of farmers' planting plans emphasized that short farm labor supply—officially described as the smallest in 35 years—will prevent any increase in food and livestock feed crops this year. If the weather turns unfavorable, production might drop disastrously low.

**Wanted, a Modern Joseph to Prepare for Food Famine on Today's Horizon**

(From Editorial from Morning Call, Paterson, N. J., Published in the Congressional Record, April 17, 1945, Page A1914, at the Request of Hon. Gordon Canfield (N.J.))

One year ago the Morning Call made a plea for more aid and encouragement to the farmers of the Nation, warning of an inevitable food famine for ourselves as well as the scorched and plundered nations in the battle zones.

Our shortsighted food administrators, however, still blinded by the false and godless philosophy of prosperity through economic scarcity, refused to listen and slumbered contentedly on, oblivious to the fact that the continuous turning of plowshares into guns and farm hands into soldiers has been slowly but surely depleting our farms of both manpower and equipment so necessary to keep our farm lands at full production. Now as a result, according to James Patton, president of the National Farmers Union, we are likely to lose 25 per cent of our potential food production this year, at a time when food and more food is the need of the hour. Already the great surpluses of which our Department of Agriculture boasted last year are dwindling like ice in a Summer's sun, due to the unprecedented and apparently underestimated demands of the starving peoples which our victorious Armies have been liberating by the millions. Our War Food Administrator also underestimated the supposedly "vast surpluses on hand in the Army warehouses," for only last week Assistant Secretary of War Patterson revealed that the 108 day Army supply at overseas ports had been reduced to less than 70. In fact the entire reserve at home and abroad is now so low that if it were all released it would not feed our civilian population for one week.

Already as our loyal housewives are daily finding out, where only last year there were bulging surpluses as reported by our Secretary of Agriculture, shortages have already developed in meat, fats, oils, sugar, and dairy products. Even the faithful chicken has suddenly become as scarce on the market here in Paterson as an egg in England. And it is not all going to our half-starved allies either, for early this past Winter the Bureau of Agricultural Economics revealed that we did not even then have enough to take care of Europe's barest relief needs in four of the six prime food necessities—meat, fats, and oils, sugar, and milk.

So in spite of last year's bumper crops, blessed with good farming weather, scarcity in this land of wealth and plenty looms in front of us at a time when the whole world is crying for food. Should there be a Nation-wide drought this year to add to our mounting food troubles (and it is pretty near time Dame Nature decreed one) how long will our fast vanishing stock piles fill the breach? It takes no divine prophecy to foretell another food famine to plague the world, thanks to the wasteful and destructive follies of mankind, as it did 3,660 years ago in the prophet Joseph's time.

What Egypt faced then, America may face in 1945. Would that we had another Joseph in Washington today to foresee and prepare for its coming; a Joseph, who would step up Spring farm plantings all over this long blessed land, who would rebuild and provide modern farm machinery, and construct vast granaries and storehouses to meet the famine that will descend and bring tragedy upon us in the wake of war if we are as criminally unprepared as we are today to meet it.

**Government by Decree**

(By Warren B. Francis)

(From Editorial by Warren B. Francis, Los Angeles Times April 8, 1945, published in the Congressional Record of November 17, 1945, Page A1902 at the request of Hon. John Phillips (California))

WASHINGTON, April 7.—Few people seem to do anything about the weather, as Mark Twain observed. Nor do they do anything about Government by decree.

Several years ago an enterprising advertising man won a seat in Congress by promising to repeal a law a day. The time seems to be ripe for a candidate who will promise to hold down the issuance of directives to one a day.

Careful checking of the official records shows that miscellaneous Government agencies issued 1,338 orders, rules, regulations, amendments, and other instructions in a three-week period. Lawyers, businessmen, Washington observers, and even bureaucrats cannot keep up with this stream of decrees unless they devote full time to checking on the revisions, modifications, changes, and interpretations.

**A GREAT FLOOD**

Historically, Executive orders signified a White House decision. They were aimed at other Federal agencies, at assorted Government officers. They have come from the President's office in legitimate fashion for generations. These formal documents bears the President's signature.



The stream of proclamations, ultimatums, and other directives lately has reached the proportion of a surging flood. They have the standing of Executive orders, though signed by a host of individuals, and also the effect of congressional enactments.

In the case of laws, presumably some debate and discussion and deliberation precedes final approval. In the case of Executive orders, there is no such assurance.

#### SOME OF THE FACTS

The degree to which the administrative branch of the Government has taken advantage of hastily conferred authority to tell the people where to head in cannot be appreciated without a few statistics.

Thanks to the research of an enterprising Californian, some of these vital facts are available. The Washington representative of the California Chamber of Commerce, Charles J. S. Williamson, has noted there were, on a single day, 33 pages of "detailed amended instructions in relation to meat inspection." He adds, pointedly, "What meat?"

In one seven-day period the output of rules, orders, decrees, and other directives ran from a high of 168 to a low of 62, totaling 444 for the week. One order carried nearly 50 footnotes, referring affected parties to earlier versions.

This "octopus," to steal a phrase from the industrious Californian, seems to be an insidious animal. He is infiltrating into the home-front ranks with the persistence of Japanese. He is using a streamlined model of the "If you can't lick 'em, join 'em" vehicle. He is using the war effort as a smoke screen to cloak his movements.

Significant warning about the dangers of government by decree can be found in a congressional report warning about the number of orders signed by the President. This does not enumerate the volume of decrees from such agencies as the O.P.A., W.M.C., W.P.B., and other alphabetical conglomerations.

#### HOW LONG?

Ironically, the "do this—or else" notices derive the force of law by being printed in the Federal Register. Not one is enforceable—as in the case of the curfew—until it appears in that publication. The Federal Register, incidentally, bears the motto, "Littera Scripta Manet." Loosely translated, this means "The written word remains."

A review of the orders, etc., prompts two questions: How long does the written word govern the conduct of the Nation? When is somebody going to do something about it?

Tables of Labor Requirements for California Crops—Major Seasonal Operations, are attached and made part of the Senate Journal of May 16.

#### ADJOURNMENT

At 5.10 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 17, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

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**SENATE DAILY JOURNAL**

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SEVENTY-FIRST LEGISLATIVE DAY

ONE HUNDRED THIRTIETH CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Thursday, May 17, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—38.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leave of absence for the day:

Senator Rich, on motion of Senator Swing, due to legislative business.

Senator Tenney, on motion of Senator Seawell, due to illness.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant and Mrs. Stephen Fletcher, son and daughter-in-law of Senator Fletcher; and to F. A. Rhodes, City Manager of San Diego.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. E. C. Poulsen of Santa Cruz, Dr. Thomas Lee of Sacramento, and Dr. W. W. Percy of Oakland.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Martin H. Miller of Washington, D. C.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Homer F. Potter and Edgar A. Hills, both of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Herbert Elston of St. Paul and Mr. and Mrs. J. H. Hines of Sacramento.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 273  
Senate Bill No. 274  
Senate Bill No. 1103  
Senate Bill No. 1104  
Senate Bill No. 1105  
Senate Bill No. 1106  
Senate Bill No. 1107  
Senate Bill No. 1108  
Senate Bill No. 1109  
Senate Bill No. 1110  
Senate Bill No. 1112  
Senate Bill No. 1113  
Senate Bill No. 1114  
Senate Bill No. 1115  
Senate Bill No. 1117  
Senate Bill No. 1118

Senate Bill No. 1119  
Senate Bill No. 1120  
Senate Bill No. 1121  
Senate Bill No. 1122  
Senate Bill No. 1123  
Senate Bill No. 1124  
Senate Bill No. 1125  
Senate Bill No. 1127  
Senate Bill No. 1129  
Senate Bill No. 1130  
Senate Bill No. 1132  
Senate Bill No. 1134  
Senate Bill No. 1135  
Senate Bill No. 1136  
Senate Bill No. 1137

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 832  
Assembly Bill No. 1758

Assembly Bill No. 2031  
Assembly Bill No. 2185

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 832**—An act to amend Section 118 and to repeal Section 118.1 of the Welfare and Institutions Code, relating to public assistance, providing for the custody and use of information, records, and other papers concerning applicants and recipients and for the adoption of rules governing the disclosure of such information and papers.

Referred to Committee on Social Welfare.

**Assembly Bill No. 1758**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement by guardians.

Referred to Committee on Judiciary.

**Assembly Bill No. 2031**—An act to add Section 645.1 to the Probate Code, relating to the setting aside of certain estates.

Referred to Committee on Judiciary.

**Assembly Bill No. 2185**—An act to amend Sections 737q and 737bb of the Political Code, relating to the salary of superior court judges in Lake County and Napa County, respectively.

Referred to Committee on Local Government.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 58

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 58**—Approving amendments to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the first day of May, 1945.

#### Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 58, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 58

**Assembly Concurrent Resolution No. 58**—Approving amendments to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the first day of May, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 367  
Assembly Bill No. 693  
Assembly Bill No. 1992  
Assembly Bill No. 426  
Assembly Bill No. 183  
Assembly Bill No. 68  
Assembly Bill No. 194

Assembly Bill No. 1095  
Assembly Bill No. 1717  
Assembly Bill No. 54  
Assembly Bill No. 1115  
Assembly Bill No. 607  
Assembly Bill No. 899  
Assembly Bill No. 1610

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1283**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

And appointed Messrs. Erwin, Watson and Geddes as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 694  
Senate Bill No. 989  
Senate Bill No. 1126

Senate Bill No. 1128  
Senate Bill No. 1133  
Senate Bill No. 1195

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered to unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 468  
Senate Bill No. 1212  
Senate Bill No. 1265

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 478  
Senate Bill No. 516  
Senate Bill No. 517

Senate Bill No. 852  
Senate Bill No. 1151  
Senate Bill No. 1272

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 604

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 68

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.



## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Assembly Bill No. 191

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Senate Bill No. 131

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 420

Assembly Bill No. 799

Assembly Bill No. 645

Assembly Bill No. 987

Assembly Bill No. 770

Assembly Bill No. 1808

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Assembly Bill No. 220

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Joint Resolution No. 21

Senate Concurrent Resolution No. 50

Assembly Concurrent Resolution No. 57

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1877

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 4; noes 1.

SEAWELL, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** Your Committee on Judiciary, to which were referred:

Assembly Bill No. 931

Assembly Bill No. 2062

Assembly Bill No. 1463

Assembly Bill No. 2063

Assembly Bill No. 1484

Assembly Bill No. 2064

Assembly Bill No. 2061

Assembly Bill No. 2065

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

Assembly Bill No. 573

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill reported to second reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE****MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Gordon, Powers, and Keating as a Senate Committee on Conference concerning Assembly Bill No. 1283 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES

SEAWELL, Chairman

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** The Committee on Rules, to which was referred the Message from the Governor dated May 8, 1945, appointing

Paul S. Mariana, Sr., as member of the Agricultural Prorate Advisory Commission, representing prunes and apricots, vice Charles B. Hannah;

Ira Redfern, as member of the Agricultural Prorate Advisory Commission, representative of the raisin industry, vice self;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion Confirming Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of Paul S. Mariana, Sr., and Ira Redfern as members of the Agricultural Prorate Advisory Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Paul S. Mariana, Sr., and Ira Redfern?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, DeLap, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—27.

NOES—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Paul S. Mariana, Sr., and Ira Redfern.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1171**—An act to add Chapter 2.1, comprising Sections 4421 to 4426, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands and making an appropriation to the Division of Forestry.

Bill read second time.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2.1, comprising Sections 4421 to 4426", and insert "8, comprising Sections 4871 to 4878".

**Amendment No. 2**

In the title of said bill, strike out lines 3 and 4, and insert "ing to the protection and improvement of range and forage lands and providing for controlled land clearance and revegetation thereof."

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2.1, comprising Sections 4421 to 4426", and insert "8, comprising Sections 4871 to 4878".

**Amendment No. 4**

On page 1, line 2, of said bill, after "to", insert "Division 4 of".

**Amendment No. 5**

On page 1 of said bill, strike out lines 4 to 27, inclusive; and on page 2, strike out lines 1 to 9, inclusive, and insert

"Chapter 8. Protection and Improvement of Range and Forage Lands

4871. The people of the State have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This chapter is enacted in furtherance of that interest to provide not only for controlled land clearance and re-vegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

4872. This chapter shall be administered by the Department of Natural Resources acting through the Division of Forestry.

4873. The division may enter into contracts or cooperative agreements with any person, firm, public or private corporation, district or municipal corporation, or other political subdivision of the State, or any group or combination thereof, owning or controlling brush covered land within the area the fire protection of which is primarily State responsibility for the purpose of engaging in controlled land clearance and re-vegetation, including the burning of brush from such lands, or portions thereof, under the supervision of the division or by the division.

4874. In furtherance of such contracts and agreements, and also independently thereof, the division shall engage in experimental land clearance and re-vegetation of such lands in the interests of protection and improvement of range and forage lands and shall also engage in such research in connection with it as will enable it to determine the value of such methods in relation to the several purposes and interests of the people of the State as set forth in this chapter.

4875. The division shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit such reports to the State Board of Forestry for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. The board shall make such reports available to the Legislature.

4876. In making such experiments and in conducting or supervising land clearance pursuant to the agreements or contracts contemplated by this chapter the division shall have available such fire crews and fire fighting equipment as it deems reasonably necessary to prevent the spread of any fire from the area proposed to be cleared, provided such equipment and fire crews are not needed for the control of wild fire.

4877. The division with the approval of the State Board of Forestry may make such rules as are necessary to effectuate the purposes of this chapter.

4878. The division may accept contributions of money from any private source to carry out the powers and duties imposed upon it by this chapter."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 451**—An act to amend Section 80 of the Fish and Game Code, relating to District 12B.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 8, of the printed bill, as amended, strike out "southeast point of Joice", and insert "southwest point of Grizzly".

**Amendment No. 2**

On page 1, line 9, of said bill, strike out "Island and the west end of Point Buckler", and insert "Island and the west end of Pelican Point".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "west", and insert "north".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 101**—An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the City of Fresno.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

Strike out the title of the printed bill, and insert

"An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing this act shall take effect immediately.

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 3 of the Property Acquisition Act is amended to read:

SEC. 3. No property shall be acquired pursuant to this act except by condemnation in the manner provided in Title 7 of Part 3 of the Code of Civil Procedure, and no money shall be expended in payment for real property from any appropriation made expendable pursuant to this act except in consequence of a judgment in condemnation. *The requirement that acquisitions be made by condemnation shall not apply to any acquisition from the Federal Government or any agency thereof.*

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

The purpose of the Property Acquisition Act is to enable the State to acquire the necessary sites for postwar construction prior to the end of the war, to the end that a construction program can be initiated as soon as necessary to furnish employment for service men and those released from war work. It has developed that the Federal Government owns or has an interest in certain property to be acquired in connection with such program, and as it is legally impossible to condemn Federally-owned property, it is necessary that this act take effect immediately to permit acquisitions to be completed as soon as possible."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 608**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-aid Highway Act of 1944 and the expenditure of Federal-aid moneys, and making an appropriation for the purposes of this act.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, strike out "a pro rata share basis as", and insert "the basis".

**Amendment No. 2**

On page 2, line 11, of said bill, strike out "their pro rata share of".

**Amendment No. 3**

On page 2, of said bill, strike out lines 16 to 18, inclusive, and insert "Highways Code, which is on the system of secondary and feeder roads as defined by the Federal-Aid Highway Act of 1944.

Inasmuch as the funds available for construction of highways pursuant to the provisions of Subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 may not be expended in any municipality of 5,000 or more population, "county" as used in this act does not include a city and county."

**Amendment No. 4**

On page 2 of said bill, strike out lines 35 to 43, inclusive.

**Amendment No. 5**

On page 2, line 44, of said bill, strike out "(c)", and insert "(b)".

**Amendment No. 6**

On page 2, line 47, of said bill, after "section", insert "and the other provisions of this act".

**Amendment No. 7**

On page 3, line 2, of said bill, strike out "pro rata".

**Amendment No. 8**

On page 3, lines 10 and 11, of said bill, strike out "provided in Section 9", and insert "expressly otherwise provided in this act".

**Amendment No. 9**

On page 3, line 13, of said bill, after "act", insert "or as soon thereafter as possible".

**Amendment No. 10**

On page 3, line 16, of said bill, strike out "pro rata".

**Amendment No. 11**

On page 3, line 39, of said bill, strike out "shall be apportioned (in the same manner"; strike out lines 40 to 44, inclusive, and insert "may be expended in the discretion of the California Highway Commission on any other highway, State or county, on the approved system of secondary and feeder roads within or without said county."

**Amendment No. 12**

On page 3, line 52, of said bill, after "may", insert "pursuant to the provisions of the Federal-Aid Highway Act of 1944 as amended and supplemented".

**Amendment No. 13**

On page 4 of said bill, strike out lines 2 to 6, inclusive, and insert

"SEC. 10. Any county may enter into an agreement with any other county or counties or joint highway district or other public agency for the expenditure of moneys available pursuant to this act for expenditure in such county on any public highway system outside its limits, if such highway is eligible for Federal aid under subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944. The Department of Public Works may then expend the money in accordance with such contract.

SEC. 11. This act shall be known and may be cited as the County Highway-Aid Act of 1945."

Amendments read and adopted.

Bill ordered printed, engrossed, and to the inactive file.

**Senate Bill No. 381**—An act to add Sections 13443, 13444, 13445, and 13446 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 2, line 3, of the printed bill, as amended, strike out "twenty thousand dollars (\$20,000)", and insert "one thousand dollars (\$1,000)".

**Amendment No. 2**

On page 2, line 37, of said bill, before the first "the", insert "Division 2 of".

**Amendment No. 3**

On page 2, line 40, of said bill, before "the", insert "Division 2 of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 380**—An act to amend Section 6362 of the Revenue and Taxation Code, relating to retail sales and use taxes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 28**—An act to amend Section 41.5 of the Unemployment Reserves Act, relating to a system of unemployment reserves.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1079**—An act to add Section 47 to the Unemployment Insurance Act, relating to unemployment insurance and the publication of the rate of taxation thereunder.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1084**—An act to amend Sections 67 and 68 of the Unemployment Insurance Act, relating to unemployment insurance and the limitation on benefit appeals thereunder.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1087**—An act to amend Section 72 of the Unemployment Insurance Act, relating to unemployment insurance and the payment of benefits pending appeals thereunder.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1131**—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title 12 of the Social Security Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1075**—An act to amend Sections 38, 39, 40, 41, 41.1, 41.2, 41.3, 41.5, and 42 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions thereunder.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "sum of the".

**Amendment No. 2**

On page 2, beginning on line 24, of the printed bill, strike out "but less than 11 per cent of his average base payroll, 1½ per cent.", and insert "of his average base payroll, 1.7 per cent."

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 26 to 28, inclusive.

**Amendment No. 4**

On page 2, line 30, of the printed bill, strike out "1", and insert "1.7".

**Amendment No. 5**

On page 7, line 29, of the printed bill, strike out "if".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**Senate Bill No. 897**—An act to amend the heading to Part 1 of Division 6 of the Water Code, to insert in said part a chapter heading (Chapter 1) and article headings in said chapter (Article 1, preceding Section 10000; Article 2, preceding Section 10001), and to add Chapters 2, 3, 4, 5, and 6 to said Part 1, to amend Sections 11101, 11400, and to repeal Sections 11401, 11402, 11403, 11404, 11405, 11410, 11411, 11412, 11413, 11414, 11415, 11416, 11417, 11418, 11419, 11420, 11701, 11702, of said code.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Water Resources:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 29 and 30, and insert "and for the generation and sale of electric power incident thereto as a means of financially aiding and assisting such undertakings."

**Amendment No. 2**

On page 4 of said bill, strike out lines 46 and 47, and insert "officer shall":

**Amendment No. 3**

On page 6 of said bill, strike out lines 18 and 19, and insert

"(e) To provide for the development, construction, operation and maintenance of projects and works in accordance with the provisions of this division.

(f) To contract with local agencies, to act as intermediary between local agencies and the United States or any department or agency thereof, to contract with the United States or any department or agency thereof and local agencies, and to contract with the United States or any department or agency thereof, as to any project."

**Amendment No. 4**

On page 6, line 35, of said bill, after "to time", insert ", and shall keep local interests advised as to its intent to investigate".

**Amendment No. 5**

On page 7, line 40, of said bill, after "acquisition", insert ", construction, maintenance, operation, or any combination of these,".

**Amendment No. 6**

On page 7 of said bill, strike out lines 45 to 47, inclusive, and insert "propose a plan for the project. Such plan shall provide for the construction or acquisition of all necessary facilities and for the operation and maintenance of such facilities, and it shall describe the interests of the various State agencies in the proposed project and shall specify which State agencies shall operate, maintain and control all parts of the

project not to be operated, maintained or controlled by the authority. The authority shall then by its order fix a time and place for a hearing upon such plan and provide for notice".

**Amendment No. 7**

On page 8 of said bill, strike out lines 23 to 25, inclusive, and insert "its action. The authority shall deliver to the Legislature its order (whether abandoning the project or recommending it) and a copy of the report on the project."

**Amendment No. 8**

On page 8 of said bill, strike out lines 34 and 35, and insert "(f) In the event the Legislature, acting upon such order submitted thereto by the authority, shall authorize".

**Amendment No. 9**

On page 8, line 45, of said bill, after "therefrom", insert "or any other area whose water rights are already recognized by the Division of Water Resources of the State of California".

**Amendment No. 10**

On page 9 of said bill, strike out line 23 and insert "conveyed by the authority, except to a State agency, so that the authority thereby is".

**Amendment No. 11**

On page 9, line 44, of said bill, after "projects", insert ", except as provided in Sections 10050 and 10052".

**Amendment No. 12**

On page 11, line 36, of said bill, after the period, insert "Nothing in this division shall be construed as vesting in the authority the power to condemn the vested rights of a State agency to the beneficial use of water for domestic or irrigation purposes."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Bill ordered held on second reading pending amendments.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, and 657 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "651.6, 651.7,".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "651.6, 651.7,".

**Amendment No. 3**

On page 1, line 7, of said bill, after "spear," insert "except as provided in Sections 651.6 and 651.8 or with".

**Amendment No. 4**

On page 2, line 14, of said bill, strike out the word "In", and insert "Except as provided in Sections 651.6 and 651.8 in".

**Amendment No. 5**

In line 5 of the title of the printed bill, as amended, strike out "and 657", and insert "657, and 658".



**Amendment No. 6**

On page 2 of said bill, after line 44, insert

"SEC. 10. Section 658 is added to said code, to read:

658. In Districts 6 and 7, salmon may be taken with hook and line, between April 1st and October 15th with no bag limit, but with size limit as provided in Section 651, and between October 16th and December 31st with a bag limit of two fish per day, irrespective of size.

This section shall remain in effect until the Ninety-first day after final adjournment of the Fifty-seventh Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 7**

On page 2, line 45, of said bill, strike out

"SEC. 2," and insert

"SEC. 11."

Amendments read and adopted.

**Further Amendments to Assembly Bill No. 1468****Motion to Amend**

Senator Collier moved the adoption of the following amendment:

**Amendment No. 1**

In line 5 of the title of the printed bill, as amended, after "652," insert "652.5,".

**Amendment No. 2**

On page 2 of said bill, between lines 12 and 13, insert

"SEC. 5. Section 652.5 is added to said code, to read:

652.5. In Districts 6 and 7, salmon may be taken with hook and line, between April 1st and October 15th with no bag limit, and between October 16th and December 31st with a bag limit of two per day. The size limit in either case is as provided in Section 651 of this code.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 3**

On page 2, line 13, of said bill, strike out "SEC. 5", and insert

"SEC. 6".

**Amendment No. 4**

On page 2, line 17, of said bill, strike out "SEC. 6", and insert

"SEC. 7".

**Amendment No. 5**

On page 2, line 26, of said bill, strike out "SEC. 7", and insert

"SEC. 8".

**Amendment No. 6**

On page 2, line 34, of said bill, strike out "SEC. 8", and insert

"SEC. 9".

**Amendment No. 7**

On page 2, line 40, of said bill, strike out "SEC. 9", and insert

"SEC. 10".

**Amendment No. 8**

On page 2, line 45, of said bill, strike out "SEC. 2", and insert

"SEC. 11".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 89**—An act to add Section 29.1 to the Fish and Game Code, relating to bounties on crows.

Bill read second time.

**Motion to Amend**

Senator Slater moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, lines 4 and 5, of the printed bill, strike out "twenty-five cents (\$0.25)", and insert "fifteen cents (\$0.15)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 698**—An act to amend Section 698 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1353**—An act to add Article 9, consisting of Sections 240 to 243, inclusive, to Chapter 1 of Division 2 of the Fish and Game Code, relating to taking of deer with bow and arrow.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 725**—An act to add Sections 13115 and 13116 to Chapter 1 of Part 2 of Division 12 of the Health and Safety Code, relating to fire-proofing of tents and awnings used to temporarily house public gatherings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1022**—An act to amend Section 3635 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of tax sale or tax deed.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 15, of the printed bill, strike out "filed", and insert "recorded".

**Amendment No. 2**

On page 1, line 16, of the printed bill, strike out "redemption officer", and insert "county recorder who shall deliver such certified copy, after recordation, to the office of the redemption officer".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1023**—An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 13, of the printed bill, after "United States", and before the comma insert "or negotiable paper as the tax collector in his discretion may elect".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1024**—An act to amend Sections 3793.5, 3806, 3807.3, 3807.5, 3811 and 3812 of the Revenue and Taxation Code, relating to sales of tax-deeded properties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1025**—An act to amend Section 3808 of the Revenue and Taxation Code, relating to sales of tax-deeded property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1518**—An act to amend Sections 17010, 17107, 17125.5, 17254, 17256, 17310, 17318.4, 17318.5, 17320.7, 17322.5, 17324, 17324.9, 17324.13, 17324.14, 17330, 17333, 17337, 17342, 17343, 17344, 17345, 17346, 17347, 17348, 17349, 17349.5, 17350, 17354, 17506, 17508, 17511, 17513, 17514, 17516, 17521, 17559, 17560, 17560.7, 17561, 17562, 17564, 17677, 17679, 17680, 17682, 17684, 17713, 17714, 17715, 17716, 17716.5, 17721, 17723, 17724, 17747, 17784.5, 17786, 17811, 17812, 17813, 17817, 17951, 17952, 17954, 18103, 18104, 18132, 18135, 18156, 18159, 18163, 18172, 18175, 18401, 18402, 18405, 18431, 18434, 18473, 18474, 18475, 18477, 18478, 18479, 18581, 18582, 18590, 18641, 18643, 18648, 18649, 18651, 18691, 18863, 18864, 18882, 18883, 19053.5, 19055, 19083, 19286 of, and to add Sections 17017.1, 17058, 17059, 17136.1, 17157.1, 17320.9, 17676.1, 17686, 17687, 17725, 17726, 17743.1, 17817.1, 17952.1, 17980.1, 18173.1, 18205.1, 18431.1, 18691.1, 19061.1, 19206 to, and repeal Section 17356, as added by Chapters 47 and 147 of the Statutes of 1943, of the Revenue and Taxation Code, relating to personal income taxes, providing the Personal Income Tax Law shall take effect immediately, repealing the Personal Income Tax Act immediately, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 911**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 912**—An act to amend Sections 4, 6, 8, 9, 11, 12, 13, 13½, 17, 20, 21, 24, 25, 27, 28, and 30 of, and to add one new section to be numbered 14.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 913**—An act to amend Sections 2, 4, 6, 7, 8, 9, 11, 12, 15, 17, 18, 19, 19.1, 20, 21, and 23 of, and to add one new section to be numbered 14.1 to, the Corporation Income Tax Act relating to the levy and collection of taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 914**—An act to amend Section 18682 of, and to add Sections 17324.17, 18165, 18166, and 18167 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1781**—An act to add Section 10270.97 to the Insurance Code, relating to selected group disability insurance.

Bill read second time, and ordered to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 604**—An act to amend Sections 5240, 5241 and 5312 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

### Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

#### Amendment No. 1

On page 2, line 5, of the printed bill, strike out "as an incident to ordinary farming operations or".

#### Amendment No. 2

On page 2, line 9, of said bill, strike out "in connection", and insert "in the employ of an employing unit which is not the grower or producer of any portion of the products with respect to which such service is performed, or in connection".

Amendments read.

### MOTION FOR COMMITTEE OF THE WHOLE

Senator Shelley moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 615.



**Motion to Substitute**

Senator Mayo moved as a substitute that Senate Bill No. 615 be re-referred to Committee on Social Welfare.

**Motion to Amend**

Senator Hatfield moved that the motion of Senator Mayo be amended to read that Senate Bill No. 615 be re-referred to Committee on Agriculture, instead of Social Welfare.

**Motion to Lay on Table**

Senator Shelley moved that the amendment of Senator Hatfield, to Senator Mayo's motion to re-refer Senate Bill No. 615 to Committee on Agriculture, instead of Social Welfare, be laid on the table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hulse, Jespersen, Judah, Keating, Mayo, Quinn, Salsman, Seawell, Shelley, Sutton, and Swing—23.

**NOES**—Senators Biggar, Breed, Dilworth, Gordon, Hatfield, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Slater, Ward, and Weybret—14.

**Parliamentary Inquiry**

Senator Mayo inquired what was before the Senate.

The President stated that the amendments of Senator Donnelly were before the Senate.

**Previous Question**

Senator Hatfield moved the previous question.

Motion carried.

The question being on the adoption of the amendments by Senator Donnelly to Senate Bill No. 615.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Burns, Carter, Dillinger, Donnelly, Jespersen, Keating, Mayo, and Seawell—8.

**NOES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Sutton, Swing, Ward, and Weybret—29.

**MOTION FOR COMMITTEE OF THE WHOLE**

Senator Shelley moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 615.

**Motion to Lay on Table**

Senator Hatfield moved that the motion of Senator Shelley that the Senate resolve itself into a Committee of the Whole be laid on the table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dilworth, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Sutton, Swing, Ward, and Weybret—23.

**NOES**—Senators Carter, Collier, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Jespersen, Keating, Powers, Quinn, Salsman, Shelley, and Slater—14.

**Motion to Continue Consideration**

Senator Quinn moved that further consideration of Senate Bill No. 615 be continued until the next legislative day, and that the report of the California Department of Employment, be printed in the Journal.

**Motion to Lay on Table**

Senator Hatfield moved that the motion by Senator Quinn be laid on the table.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Biggar, Burns, Cunningham, DeLap, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McCormack, Mixer, Parkman, Sutton, Swing, Ward, and Weybret—17.

**NOES**—Senators Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Jespersen, Judah, Keating, Mayo, McBride, Powers, Quinn, Salsman, Seawell, Shelley, and Slater—18.

The question being on the motion of Senator Quinn to continue further consideration until the next legislative day, and to print the report of the California Department of Employment in the Journal.

Motion carried.

CALIFORNIA DEPARTMENT OF EMPLOYMENT  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
SACRAMENTO 14, CALIFORNIA, May 17, 1945

*Senator John Shelley,  
State Capitol,  
Sacramento, California*

DEAR SIR: The California Unemployment Insurance Appeals Board at a meeting in Sacramento, on May 16, 1945, approved the revision of Regulation No. 43, relating to agricultural labor which has been proposed by the Chiefs of the Division of Accounts and Tax Collections and the Division of Public Employment Offices and Benefit Payments. Affirmative votes were cast by Toland C. McGettigan and Edgar E. Lampton, with Commissioner Michael B. Kunz dissenting. A copy of the revised regulation as submitted and approved is attached.

As a result of the public hearing on the regulation, which was held in Sacramento, on March 6, 1945, in accordance with Section 90(b) (2) of the Unemployment Insurance Act, various protests were received which have been fully considered. A further hearing before the Appeals Board, as required by Section 90(b) (3) of the act was held in Sacramento on March 26, 1945, at which time the protestants orally presented their views concerning the proposed regulation.

One of the grounds of protest to the regulation is that the proposed regulation unduly restricts the term "agricultural labor" so as to exclude from the exemption certain types of services which are agricultural labor and have been so held by the courts. After consideration of the entire record in this matter and on the basis of recent decisions of the California Supreme and Appellate Courts, the regulation was approved as representing a proper and legal definition of the agricultural labor exemption under the act. (See California Employment Commission vs. Butte County Rice Growers Association, 25 A.C. 604; California Employment Commission vs. John Kovacevich, Jr., 68 A.C.A. 744; and The Irvine Company vs. California Employment Commission, et al ----- A.C.A. -----). In view of these decisions, the Appeals Board concluded that any inclusion of services as agricultural labor other than as provided in Regulation No. 43, as approved, is a matter for legislative rather than administrative consideration.

The proposed regulation was also protested on the basis that since the regulation is substantive and not merely procedural, the promulgation thereof is within the jurisdiction of the California Employment Stabilization Commission rather than the chiefs of divisions. Under Section 90(b) of the act the rule making power is vested in the Chief of the Division of Accounts and Tax Collections and the Chief of the Division of Public Employment Offices and Benefit Payments, and the scope of the power delegated is not confined by law to procedural matters. Therefore, Regulation No. 43 as proposed is considered by the Appeals Board to be a valid exercise of the authority to promulgate rules and regulations by those in whom that authority has been vested by law.

A further ground of protest to the proposed regulation is that neither the commission nor the chiefs of the two divisions legally, by revision of the regulation, can alter the regulation defining agricultural labor so as to enlarge the term and include certain services as agricultural labor which were not previously so regarded. No legal authority has been cited, nor has any been found, to preclude a reasonable

revision of an administrative regulation from time to time in the course of proper administration of the law and consonant with the decisions of the courts in interpreting the subject matter of the regulation. It was therefore the conclusion of the Appeals Board that the regulation had been properly and lawfully promulgated.

In accordance with the act, Regulation No. 43, as revised, will become effective after filing with the Secretary of State and publication in a newspaper of general circulation, which will be approximately June 1, 1945.

Very truly yours,

FORREST M. HILL, Secretary

### Regulations of California Unemployment Insurance Act

#### 43 EXTENT OF AGRICULTURAL LABOR EXEMPTION

Agricultural labor exempted from "employment" by Section 7(a) of the Act includes all services performed:

(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural commodity; the raising, feeding, and management of livestock, poultry and bees; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto;

(b) In the employ of the owner or tenant of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials.

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm.

(d) The provisions of paragraphs (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said paragraphs applicable to services performed in commercial canning or commercial freezing.

(e) As used herein, the term "farm" includes, among others, stock, dairy, poultry, fruit and truck farms; plantations, ranches, ranges, nurseries, orchards and vineyards.

(f) Forestry and lumbering are not included within the exemption of agricultural labor.

(Revised effective June 1, 1945)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1265**—An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled "An act to legalize the name of Lake Bigler," approved February 10, 1870.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 478**—An act to renumber and amend Section 10202, to amend Sections, 10026, 10029, 10030, 10031, 10251, 10276, and 10579, and to add Section 10553 to, and to repeal Sections 10025, 10027, and 10028 of, the Health and Safety Code, relating to certified copies of birth and death certificates and the administration of the law relating to vital statistics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1212**—An act to add Section 18662 to the Health and Safety Code, relating to auto and trailer camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 852**—An act to add Section 86.2 to the State Civil Service Act, relating to physical examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1151**—An act to amend Section 13902 of the Government Code, relating to the State Board of Control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Swing, Ward, and Weybret—27.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 468**—An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

Bill read third time.

#### Motion to Amend

Senator Hulse moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 18, of the printed bill, after "must," insert "after fulfilling the foregoing requirements of this subsection, and".

#### Amendment No. 2

On page 1, line 20, of said bill, after "subsection," insert "shall".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.



**Senate Bill No. 151**—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, of the printed bill, as amended, after line 30, insert "The compensation provided by this section shall be paid to incumbent officers."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 1082**—An act to establish a system of unemployment disability insurance and to amend Sections 9.8, 40, 45, 45.5 and 45.11 and to add Section 52.3 and to repeal Sections 44, 44.2 and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

**Postponement of Reconsideration**

Senator Shelley moved that his motion to reconsider the vote whereby Senate Bill No. 1082 was refused passage be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—34.

**NOES**—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 53**: By Senators Seawell, Brown, Deuel, Salsman, Powers—Relative to adjournment sine die of the Fifty-sixth Session of the Legislature of the State of California.

Without reference to committee.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 53, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 53**

**Senate Concurrent Resolution No. 53**—Relative to adjournment sine die of the Fifty-sixth Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—34.  
**NOES**—None.

Resolution ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1034**—An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

##### Amendment No. 1

On page 19 of the printed bill, as amended, in line 15, following the period insert "Any moneys in the State Treasury to the credit of the 'State Marketing Act Trust Fund' shall be withdrawn and deposited in accordance with the provisions of this paragraph."

##### Amendment No. 2

On page 19, line 36, of the printed bill, as amended, strike out "At"; and strike out all of lines 37 to 42, inclusive, and insert "Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, same shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys."

##### Amendment No. 3

On page 12, line 6, of the printed bill, as amended, strike out the period and insert "provided, however, the board shall not have authority to engage in commercial warehousing."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 302**—An act to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, authorizing cities and cities and counties to prescribe, revise and collect, fees, tolls, rates, rentals and other charges for services and facilities furnished in connection with sanitation or sewerage systems.

Bill read third time.

#### Motion to Amend

Senator Keating moved the adoption of the following amendments:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act", insert "to amend Sections 5460, 5461, 5463 and 5464 of, and to".

##### Amendment No. 2

In the title of said bill, strike out lines 3 and 4.

##### Amendment No. 3

In line 5 of the title of said bill, strike out "services and facilities furnished in connection with", and insert "relating to".

**Amendment No. 4**

On page 1 of said bill, strike out lines 1 to 3, inclusive, and insert

"SECTION 1. Section 5460 of the Health and Safety Code is amended to read:

5460. Every person who violates any provision of this [article] chapter, or who fails to obey, observe, or comply with any direction, order, requirement, or demand of the State department, forfeits to the State of California the penal sum of not more than one thousand dollars to be fixed by the court for each and every offense.

SEC. 2. Section 5461 of said code is amended to read:

5461. The continued existence of any violation of this [article] chapter for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State department as provided in this [article] chapter constitutes a separate and distinct offense.

SEC. 3. Section 5463 of said code is amended to read:

5463. Violation of this [article] chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both.

SEC. 4. Section 5464 of said code is amended to read:

5464. Each day's violation of this [article] chapter is a separate and distinct offense.

SEC. 5. Article 4, comprising Section 5470, is added to Chapter 6, of Part 3 of Division V of said code, to read:"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 172**—An act to amend Section 44 of the County Employees' Retirement Act of 1937, relating to eligibility of county elected officials to join Retirement System.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 172**

Senator DeLap moved that Assembly Bill No. 172 be re-referred to Committee on Local Government.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1153**

Senator Burns moved that Senate Bill No. 1153 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1153**—An act to amend Section 15001 of the Government Code, relating to the Department of Justice.

Bill read second time.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 15001", and insert "add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "Department of Justice", and insert "form of bonds".

**Amendment No. 3**

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Article 8 is added to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

**Article 8. Bonds of Licensees and Permittees**

11110. The form of all bonds of licensees, permittees, and all persons other than public officers and employees, furnishing bonds to a public body, officer, or employee in pursuance of law shall be approved as to conformity with applicable law by the Attorney General.

11111. The Attorney General may from time to time modify or revoke approvals so given.

11112. The approval, modification, or revocation of the Attorney General shall be by regulation filed with the Secretary of State pursuant to Section 11381.

11113. The Attorney General may consult with private persons, groups, and associations as to bond forms to be approved, modified, or revoked.

11114. Any bond the form of which is required to be approved and which is furnished after January 1, 1946, shall be ineffective for all purposes if not in the form then approved by the Attorney General."

**Amendment No. 4**

On page 1 of said bill, strike out lines 2 to 5, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 54:** By Senator Parkman—Relative to approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1945.

Without reference to committee.

**Request for Unanimous Consent**

Senator Parkman asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 54, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 54**

**Senate Concurrent Resolution No. 54**—Relative to approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, and Weybret—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RESOLUTIONS**

The following resolution was offered by Senator Powers:

**Senate Resolution No. 109**

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week beginning May 17, 1945,



and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

	<i>Per day</i>
Gail Gordon, Page-----	\$3 00
Basil Gordon, Page-----	3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, and Weybret—30.

NOES—None.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Biggar moved that Senate Bill No. 153 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 17, 1945

*To the Senate of the State of California:*

I have the honor to inform you that I have made the following appointment, and respectfully request your confirmation thereof and consent thereto:

HARVEY E. HASTAIN, resident of Brawley, was educated in the schools of Brawley, attended College of Commerce at University of Southern California for three semesters. Graduated from College of Agriculture, University of Arizona, in 1928. Since 1928 has been a rancher in the Brawley District; was a member of City Council of Brawley from 1937 to 1940. He was elected to Assembly in 1940 and served as a Member thereof during the Fifty-fourth and Fifty-fifth sessions of Legislature;

As Member, Fish and Game Commission, vice Nate Milnor, term expired for the term ending January 15, 1951.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 1101 AND 1102

Senator Shelley moved that Senate Bill Nos. 1101 and 1102 be withdrawn from Committee on Social Welfare for purpose of amendment and re-referred to committee.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1101**—An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act, relating to definitions contained therein.

Bill read second time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, of the printed bill, strike out lines 33 to 40, inclusive.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**Senate Bill No. 1102**—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder.

Bill read second time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 7 to 14, inclusive; and on line 6, after subsection "(c)", insert "Maritime services as to which this State is prohibited by the Constitution and laws of the United States of America from requiring contributions of employers or their workers with respect to wages as provided in this act;"

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 30 to 35, inclusive.

**Amendment No. 3**

On page 2, line 36, of the printed bill, strike out "(m)", and insert "(k)".

**Amendment No. 4**

On page 2, line 18, of the printed bill, after "individual", insert ", and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**COMMUNICATIONS**

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF INSTITUTIONS

Sacramento, May 16, 1945

*Lieutenant Governor Frederick F. Houser,  
State Capitol,  
Sacramento, California*

DEAR SIR: The Sacramento Bar Association is holding its Annual Dinner on Thursday evening, May 17th, at the Hotel Senator.

There will be a cocktail hour from 6 to 7, and dinner thereafter. Reservations can be made through Senator Earl D. Desmond. The cost is \$5 per plate.

The speaker of the evening will be Mr. Bartley Crum of San Francisco. A musical program has also been arranged.

The Sacramento Bar Association cordially urges the Members of the Senate who are attorneys to attend.

A. EDWARD NICHOLS, Member of the Committee.

## REPORTS OF STANDING COMMITTEES

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1534

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1991

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 410

Assembly Bill No. 945

Assembly Bill No. 944

Assembly Bill No. 1421

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 629

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1218

Assembly Bill No. 1397

Assembly Bill No. 1219

Assembly Bill No. 1575

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1879

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. FURNACE: Vice Committee on Education, to which was referred

Senate Bill No. 419

Has had the same under consideration, and reports the same back with amendments with the recommendations. Amended and is referred to the committee.

Committee membership: 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. FURNACE: Vice Committee on Education, to which were referred

Assembly Bill No. 700

Assembly Bill No. 701

Has had the same under consideration, and reports the same back with amendments with the recommendations. Amended and is referred to committee.

Committee membership: 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. FURNACE: Vice Committee on Education, to which was referred

Senate Bill No. 540

Has had the same under consideration, and reports the same back with amendments with the recommendations. Also passed, amended, and is referred to Committee on Finance.

Committee membership: 9; committee vote: Ayes 5; absent 2; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## ADJOURNMENT

At 4.30 p.m., on motion of Senator Schwall, the President declared the Senate adjourned until 10.30 a.m., Friday, May 18, 1945.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

SEVENTY-SECOND LEGISLATIVE DAY

ONE HUNDRED THIRTY-FIRST CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 18, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John P. Knauf of San Bernardino.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vroman Dorman, Chairman, Republican Central Committee of San Diego County, and Mr. Tom Whelan, District Attorney of San Diego County, of San Diego.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander and Mrs. John B. Cooke, U. S. N., of Ventura.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harry Hill and children, Lowell and Carol, of San Jose.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harmon A. Johnson,

Principal; Rhoda Morgan and Mike Castori, teachers in charge, and the following students of the North Sacramento Elementary School: Colleen Ray Batterson, Marileen Batterson, Joanne Brainard, Elizabeth Dreher, Rosemary Duncan, Jennie Duran, Doris Estes, Leola Gassaway, Elma Haynie, Rosie Higuera, Anna Huhs, Gertrude Irwin, Ophelia Islas, Pat Kast, Marie LeBoulanger, Martha Mathias, Edythe Stober, Arthur Barnes, James Brown, Donald Dickinson, Donald Erwin, Joe Lewis Geyer, Paul Georguson, Joseph Hamilton, Richard Hayes, Stanley Holmes, Joaquin Jaime, Ronald Kelley, Jose Lucientes, Frank Maxler, Phillip Myer, Gerald Odell, Charles Oldham, Robert Pajer, Edward Pegram, Buddy Yocum, Clem Whorton, Joyce Anderson, Ruth Lincoln, Mary Bird, Lois Bottomley, Pat Duncan, Alma Freeman, Bernice Hansen, Betty Huckabay, Beverley Kalbach, Edith Marcott, Pauline Martin, Pat O'Donell, Mary Papadakis, Naomi Roe, Delores Thoma, Wiladene Winter, Billy Beveridge, Gail Cadwell, Lee Collier, Jesse Coomes, Richard Craig, Robert Fernandez, Adolph Gower, Jerry Griggs, William Johnson, Encell O. Kenner, Edward Nott, Jimmie Lorraine, Wilbur McDonald Mullick, Melvin Russell, Benjamin Send, Kenneth Winters, James Leonard, and Arthur Washburn.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Dave Bird, of San Diego, Chairman, Board of Supervisors of San Diego County.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 168  
Assembly Bill No. 713  
Assembly Bill No. 749

Assembly Bill No. 892  
Assembly Bill No. 2106  
Assembly Bill No. 2177

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 168**—An act to amend Section 13801 of the Revenue and Taxation Code, relating to inheritance tax exemption.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 713**—An act to add Section 2025 to the Welfare and Institutions Code, relating to the amount of aid to the aged.

Referred to Committee on Social Welfare.

**Assembly Bill No. 749**—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 892**—An act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said

district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

Referred to Committee on Water Resources.

**Assembly Bill No. 2106**—An act to add Section 3044.1 to the Welfare and Institutions Code, relating to aid to the needy blind, and providing for payments to counties by the State in respect to recipients and former recipients confined in county hospitals.

Referred to Committee on Social Welfare.

**Assembly Bill No. 2177**—An act to add Section 222.5 to, and to amend Section 225 of, the Labor Code, relating to the requirement by employers of the payment by employees or applicants or prospective employees, or the deduction from their compensation, of fees or costs of medical or physical examinations, as a condition of employment, and providing penalties for violation.

Referred to Committee on Labor.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 28

Senate Joint Resolution No. 21

Senate Bill No. 380

Senate Bill No. 1084

Senate Bill No. 1079

Senate Bill No. 1087

Senate Concurrent Resolution No. 50

Senate Bill No. 1131

And reports the same correctly engrossed.

SEAWELL, Chairman

### Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 1285

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 336

Assembly Bill No. 1532

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 635

Assembly Bill No. 520

Assembly Bill No. 120

Assembly Bill No. 989

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 76

Assembly Bill No. 2053

Assembly Bill No. 1069

Assembly Bill No. 2111

Assembly Bill No. 1544

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 530

Assembly Bill No. 1765

Senate Bill No. 75

Assembly Bill No. 501

Assembly Bill No. 419

Assembly Bill No. 2178

Assembly Bill No. 486

Assembly Bill No. 922

Assembly Bill No. 109

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1079**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund;



Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on April 26, 1945, be further amended as follows:

**Amendment No. 1**

On page 2 of the printed bill, as amended, after line 9, insert

"SEC. 3. The appropriation for the support of 1A District Agricultural Association contained in Section 1 of this act shall go into effect on July 1, 1946."

WEYBRET

BROWN

CARTER

Senate Committee on Conference

BECK

THORP

LEONARD

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Weybret—25.  
NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 55:** By Senator Judah—Approving an amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eighth day of May, 1945.

**Request for Unanimous Consent**

Senator Judah asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 55, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 55**

**Senate Concurrent Resolution No. 55**—Approving an amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eighth day of May, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Weybret—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Slater:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:  
An act making appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR SLATER

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 18, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Finance.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—32.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1291:** By Senator Slater—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 694**—An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 694?

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert "SEC. 4. This act shall take effect on January 1, 1946."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 694 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1195**—An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1195?

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended in the Senate on April 2, 1945, strike out "management and control", and insert "and management".

**Amendment No. 2**

On page 1, line 5, of the printed bill, as amended in the Senate on April 2, 1945, strike out "operating," and insert "operating and".

**Amendment No. 3**

On page 1, line 6, of the printed bill, as amended in the Senate on April 2, 1945, strike out "and controlling", and insert "as agent of the county,".

**Amendment No. 4**

On page 1, line 10, of the printed bill, as amended in the Senate on April 2, 1945, strike out the comma following "possession", and insert "and".

**Amendment No. 5**

On page 1, line 11, of the printed bill, as amended in the Senate on April 2, 1945, strike out "and control".

**Amendment No. 6**

On page 1, line 13, of the printed bill, as amended in the Senate on April 2, 1945, strike out "management and control", and insert "and management".

**Amendment No. 7**

On page 1, line 21, of the printed bill, as amended in the Senate on April 2, 1945, strike out "Fair and Exposition", and insert "County Fair".

**Amendment No. 8**

On page 1, line 5, of the printed bill, as amended, strike out "person, firm or corporation", and insert "nonprofit corporation for the purpose of".

**Amendment No. 9**

On page 1, line 16, of said bill, strike out "person, firm or", and insert "nonprofit".

**Amendment No. 10**

On page 1, line 20, of said bill, strike out "person, firm or corporation", and insert "nonprofit corporation, except funds allocated for advertising, promotional work, or other incidental purposes pursuant to this section and funds specifically approved for disbursement by the board of supervisors,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1195 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Fletcher Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 989**—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 989?

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended March 23, 1945, after "agent," insert "except as a debit agent or rewrite agent as such debit agent and rewrite agent may be defined by authorized regulations,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 989 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—34.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1126**—An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1126?

##### Amendment No. 1

On page 2 of the printed bill, strike out lines 4 to 12, inclusive, and insert "(b) At any time within three years after any employing unit".

##### Amendment No. 2

On page 3, line 17, of said bill, after "45.5", insert a period.

##### Amendment No. 3

On page 3, line 19, of said bill, strike out "or", and insert "of".

##### Amendment No. 4

On page 3, lines 29 and 30, of said bill, strike out "out of the clearing account of the Unemployment Fund".

##### Amendment No. 5

On page 4, line 20, of said bill, strike out "from the clearing account".

##### Amendment No. 6

On page 4, lines 21 and 22, of said bill, strike out "out of the clearing account of the Unemployment Fund".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1126 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.

#### President Pro Tempore of the Senate Presiding

At 11.05 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

#### Consideration of Assembly Amendments

**Senate Bill No. 1128**—An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1128?

##### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "person", and insert "employing unit".



**Amendment No. 2**

On page 1, line 9, of said bill, strike out "person", and insert "employing unit".

**Amendment No. 3**

On page 1, line 11, of said bill, strike out "person", and insert "employing unit".

**Amendment No. 4**

On page 1, line 15, of said bill, strike out "person", and insert "employing unit".

**Amendment No. 5**

On page 1, line 16, of said bill, strike out "part", and insert "act".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1128 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.  
NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1133**—An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1133?

**Amendment No. 1**

On page 1, line 17, of the printed bill, strike out "two"; and strike out line 18, and insert "one week during his current benefit year."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1133 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—33.  
NOES—None.

Above bill ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 1082**—An act to establish a system of unemployment disability insurance and to amend Sections 9.8, 40, 45, 45.5 and 45.11 and to add Section 52.3 and to repeal Sections 44, 44.2 and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

**Motion to Reconsider Senate Bill No. 1082**

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1082 was refused passage.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Shelley moved a call of the Senate.

Motion carried. Time, 11.33 a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF SENATE BILLS

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Above bill ordered held on second reading file.

**Senate Bill No. 68**—An act to amend Section 986.5 and to repeal Sections 981.6 and 985.4 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

## Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "and to repeal Sections 981.6 and 985.4".

## Amendment No. 2

On page 1 of said bill, strike out line 23.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 131**—An act to amend Sections 1501 and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 479**—An act to amend Section 8541 of the Education Code, relating to the Public School System.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 8541 of the Education Code, relating"; and strike out line 2 and insert "to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts declaring the urgency thereof, to take effect immediately."

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 10, inclusive and insert

"SECTION 1. Chapter 5.5 is added to Division 2 of the Education Code, to read:

## CHAPTER 5.5. RECALL

2151. A member of any elective governing board of a school district who has held office at least six months, may be recalled at any time by the voters, by following the recall procedure set forth in this chapter. This chapter shall not, however, apply in the case of any member of any board of education of a city the charter, if any, of which provides for the recall of members of such board.

2152. A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 per cent of the entire vote cast at the last election for the election of a member, or members, of the governing board of the district. The petition shall contain a statement of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

2153. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. Each separate paper shall have attached to it an affidavit made by a voter of the school district. The affidavit shall state that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the district.

2154. Petitions demanding the recall of a member of the governing board of a school district shall indicate the date of each signature thereon.

No such petition is valid for the purpose for which it was circulated after the expiration of six months from the date the first signature was affixed thereto, unless it has been filed in accordance with the provisions of this chapter.

2155. Within 10 days from the date of filing the petition, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that all the signatures to the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

2156. If the petition, together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the county superintendent of schools having jurisdiction over the district without delay. The county superintendent of schools shall at once order a special election to be held within not less than 35 nor more than 40 days after the date of the order, to determine whether the voters will recall the officer. If a regular election for the election of members of the governing board of the district is to occur not less than 35 nor more than 60 days from the date of the order calling the special election, the county superintendent of schools may, in his discretion, order the holding of the special election at the time the regular election is held."

2157. If a vacancy occurs in the office after a recall petition is filed, the election shall nevertheless proceed as provided in this article.

2158. One election is sufficient for the recall and election of one or more members of the governing board of a school district, but a separate petition is necessary to propose the recall of each member.

2159. Any qualified person may become a candidate for election at a recall election in the same manner as a qualified person may become a candidate at a regular election.

2160. Upon the sample ballot there shall be printed in not more than 200 words, the reasons set forth in the recall petition for demanding the recall of the member. Upon the same ballot in not more than 200 words, the member may justify his course in office.

2161. There shall be printed on the recall ballot, as to every member whose recall is to be voted on at the election, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against the recall.

2162. On the recall ballots, under each question, there shall be printed the name of those persons who have become candidates in the manner provided by this code for such office as candidates to succeed the incumbent if he is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

2163. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No," the incumbent shall continue in office. If a majority vote "Yes," the incumbent shall be deemed recalled from office, upon the qualification of his successor.

2164. The board of supervisors shall canvass all votes for candidates for the office and declare the result as in a regular election. If the vote recalls the member, the candidate who has received the highest number of votes for the office shall be declared elected, for the remainder of the term. If the person who received the highest number of votes fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law.

2165. The cost of any recall election held under this chapter shall be borne by the school district in which such election is held.

**SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of Section 11 of Article IV of the Constitution and shall therefore go into immediate effect, to become operative July 1, 1945. A statement of the facts constituting such necessity is as follows:

No law now exists permitting the recall of members of governing boards of school districts excepting in the case of members of boards of education of cities the charters, if any, of which provide for their recall. As a consequence the electors of a school district have, generally speaking, no recourse against acts of the governing board of the district, or any member or members thereof which are detrimental to the school district and the pupils thereof.

In order that this situation be corrected at the earliest possible moment and members of all governing boards of school districts be made subject to recall, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 849**—An act to add Section 5009 to the Education Code, relating to audits.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In the title of the printed bill, strike out the period after "audits", and insert "and making an appropriation to the Department of Finance therefor."

##### Amendment No. 2

On page 1, line 4, of the printed bill, following the period, strike out the remaining part of line 4; and lines 5 to 14, inclusive, and insert

"In lieu of auditing the books and accounts of each school district, the Department of Finance may conduct such audits as it deems sufficient to determine the validity of the allocation of State funds for school purposes and to establish proper accountability and at such times as, in the judgment of the Department of Finance, will serve the best interests of the State."

"The Department of Finance shall render to the State Controller a report of all such audits, showing therein the findings, and the Controller shall make the necessary adjustments in future apportionments to the several school districts wherein such audits show that the same are necessary to correct any deficiencies or overages in the apportionment of State funds."

##### Amendment No. 3

On page 1 of said bill, after line 14, insert

"Section 2. Out of any money in the State Treasury not otherwise appropriated, the sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated to the Department of Finance to be expended in carrying out the provisions of this act during the Ninety-seventh and Ninety-eighth Fiscal Years."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 153**—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 and to repeal Section 501 of the Agricultural Code, relating to inspection of milk and milk products.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 191**—An act to repeal Sections 3088 and 3474 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "repeal Sections 3088 and 3474 of", and insert "add Sections 3088.5 and 3475 to".

**Amendment No. 2**

In the title of said bill, strike out line 3, and insert "blind, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid."

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 3088.5 is added to the Welfare and Institutions Code, to read:

3088.5. If the spouse or adult child of an applicant or recipient files a sworn statement with the board of supervisors, similar to the sworn statement required by Section 2224 of this code, stating that he is in fact contributing and will continue to contribute to the support of the applicant or recipient, and his contribution is to be made in cash, the amount of the contribution shall not be deducted from the amount of aid to which the applicant or recipient is otherwise entitled, but the applicant or recipient shall be granted the full amount of aid to which he is entitled, irrespective of the contribution. The relative shall pay the amount of his contribution to the county monthly. Any sums so received by the county shall first be paid by the county to the recipient to the extent of any established and unmet need of the recipient in excess of the maximum monthly grant of aid, and the balance, if any, shall be credited to the county, the State, and the United States Government in the proportion that each contributed to the aid granted, in reimbursement therefor.

SEC. 2. Section 3475 is added to said code, to read:

3475. If the spouse or adult child of an applicant or recipient files a sworn statement with the board of supervisors, similar to the sworn statement required by Section 2224 of this code, stating that he is in fact contributing and will continue to contribute to the support of the applicant or recipient, and his contribution is to be made in cash, the amount of the contribution shall not be deducted from the amount of aid to which the applicant or recipient is otherwise entitled, but the applicant or recipient shall be granted the full amount of aid to which he is entitled, irrespective of the contribution. The relative shall pay the amount of his contribution to the county monthly. Any sums so received by the county shall first be paid by the county to the recipient to the extent of any established and unmet need of the recipient in excess of the maximum monthly grant of aid, and the balance, if any, shall be credited to the county, the State, and the United States Government in the proportion that each contributed to the aid granted, in reimbursement therefor."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 420**—An act to amend Section 2140 of the Welfare and Institutions Code, relating to aid to the aged, and prohibiting discrimination against practitioners of particular types of healing arts in the rules for the administration thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 645**—An act to add Sections 1550.1, 2183.5, 3084.1, and 3475 to the Welfare and Institutions Code, and to repeal Section 2183.9 of said code, relating to the granting of public assistance to former recipients thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 770**—An act to add Section 114.5 to the Welfare and Institutions Code, relating to the rules and regulations of the State Department of Social Welfare.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 799**—An act to amend Sections 2160, 2160.7, and 2163 of the Welfare and Institutions Code, relating to aid to the aged, revising the provisions for payments to and in respect to persons in public institutions, and modifying the personal property qualification for such aid.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 987**—An act to amend Section 2182 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1808**—An act to add Sections 3473.1, 3473.2, and 3474.5 to the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and providing for procedures and actions in relation thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 220**—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

##### Amendment No. 1

On page 1, line 8, of the printed bill, after the word "individuals" and before the comma, insert "and pays wages for employment in excess of one hundred dollars (\$100) during any calendar quarter".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1877**—An act providing for the publication and distribution of a State Blue Book.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 931**—An act to amend Section 6060.6 of the Business and Professions Code, relating to bar examinations, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1463**—An act to amend Sections 653.1, 653.3, 653.6, 653.7 and 653.9 of the Civil Code, all relating to cooperative corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1484**—An act to amend Sections 362 and 362b of the Civil Code, relating to corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2061**—An act to amend Sections 1731.5, 1732, 1737, 740, 742, 743, 744, 745, 747, and 749 of the Welfare and Institutions Code, relating to commitments of young persons to the Youth Authority and to other public and private agencies and persons by juvenile and other courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2062**—An act to add Section 1767.5 to the Welfare and Institutions Code, relating to the Youth Authority, and authorizing payments by the Authority for care of persons paroled by the Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2063**—An act to add Sections 1737.1 and 1768.7 to the Welfare and Institutions Code, relating to persons committed to the Youth Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2064**—An act to amend Section 1741 of the Welfare and Institutions Code, relating to furnishing information to the Youth Authority concerning persons committed to it.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2065**—An act to add Section 1154 to the Welfare and Institutions Code, relating to the expenses of returning escapees to the Youth Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 573**—An act to add Section 86a to the Code of Civil Procedure, relating to destruction of old records.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1534**—An act to amend Section 7616 of the Business and Professions Code, relating to funeral establishments.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 2 of the printed bill, as amended, strike out line 5.

##### Amendment No. 2

On page 2 of the printed bill, as amended, after line 11, insert

"Nothing in this chapter shall be deemed to render unlawful the conduct of any ambulance service from the same premises as those on which a funeral establishment is conducted, including the maintenance in connection with the funeral establishment of garages for the ambulances and living quarters for ambulance drivers."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1991**—An act to add Section 18676.5 to the Business and Professions Code, relating to boxing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 410**—An act to amend Section 690.11 of the Code of Civil Procedure, relating to exemptions from execution.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out line 8, and insert "execution where such one-half is necessary for the use of the debtor, or his family supported in whole or in part by such debtor."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 944**—An act to amend Section 3051 of the Civil Code, relating to liens.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 5, of the printed bill, as amended, after "work", insert ", but nothing in this section shall be construed to confer a lien in favor of a wholesale dry cleaner on materials received from a dry cleaning establishment proprietor or a person conducting a dry cleaning establishment".

**Amendment No. 2**

On page 2 of said bill, strike out lines 20 to 24, inclusive, and insert "loss of possession and the time of repossession."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 945**—An act to add Section 3066 to the Civil Code, relating to liens for services and storage.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "more", insert "after the completion of such work".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1421**—An act to amend Section 235 of the Code of Civil Procedure, relating to the summoning of juries of inquest and of juries in justices' courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out "such juror", and insert "juror attending a justice's court".

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 629**—An act to repeal Section 729 and to amend Sections 730, 731 and 740 of, and to add Section 1757.5 to, the Welfare and Institutions Code, relating to juveniles, imposing limitations concerning the places to which they may be committed and in which they may be detained, and providing for the supervision and visitation of such places by the Director of the Youth Authority.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, line 2, of the title of the printed bill, as amended, after "of", strike out "and to add Section 1757.5 to,".

**Amendment No. 2**

On page 1, line 5, of the title of said bill, after "detained", strike out "and pro-"; and strike out lines 6, 7, and 8 of the title.

**Amendment No. 3**

On page 2 of said bill, strike out lines 19 to 32, inclusive.

**Amendment No. 4**

On page 2, line 33, of said bill, strike out "SEC. 5.", and insert "SEC. 4.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**Assembly Bill No. 1218**—An act to add Sections 252.6 and 252.7 to the Health and Safety Code, relating to school audiometrists.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1219**—An act to amend Sections 12291, 13059.2, 16441 and 16443 of the Education Code, relating to school audiometrists.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1397**—An act to add Section 1503.3 to the Education Code, relating to the contracts between governing boards of elementary school districts for the education of pupils.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1575**—An act to add Article 9 to Chapter 1 of Division 5 of the Education Code, relating to instruction by correspondence in public schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 596**—An act to add Sections 10301.3 and 10301.4 to the Education Code, relating to courses of study in elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Sections 10301.2 and 10301.4", and insert "Section 10301.3".

**Amendment No. 2**

On page 1 of said bill, strike out lines 13 to 20, inclusive; and on page 2 strike out lines 1 to 6, inclusive.

**Amendment No. 3**

On page 2, line 7, of said bill, strike out "3", and insert "2".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 731**—An act to amend Sections 5363 and 5364 of the Education Code and to add Section 5363.1 to said code, relating to the tuition and transportation of high school pupils attending high school in an adjoining State.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "and 5364", and insert ", 5364 and 5366".

**Amendment No. 2**

On page 2 of said bill, following line 10, insert

"SEC. 4. Section 5366 of said code is amended to read:

"5366. The county superintendent of schools shall verify the certificates of attendance and cost of education of pupils attending high schools in adjoining States and shall certify to the county auditor and the board of supervisors the amount of money required to be levied as a county high school tuition tax. The amount shall not include any costs for the transportation of the pupils in excess of [twenty dollars (\$20) per month per pupil transported] *the amounts permitted by this article*. The amount shall be determined by subtracting from the total cost of the tuition and transportation allowed under this article, the amount to be apportioned by the Superintendent of Public Instruction to the county high school tuition fund during the school year."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

**Motion to Set Special Order**

Senator Sutton moved that Senate Bill No. 615 be made a special order of business for Monday, May 21, 1945, at 2.30 p.m.

Motion carried.

**Senate Bill No. 516**—An act to amend Sections 5024, 5374, 5391, 5395, 5710 and 5838 of, and to add Sections 5244.1 and 5828.1 to the Streets and Highways Code, relating to special assessment proceedings, including incidental expenses, costs in connection with securing sanitary sewer rights of way, delivery of warrants, collection of assessments, compensation of superintendents of construction, and notices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—Senator Jespersen—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 517**—An act amending Sections 2824, 2825, 2851, 2883, 2950, 2983, 2984, and 2985 of the Streets and Highways Code, relating to special assessment proceedings, including notices, taxation assessment rolls, and allowable changes in proposed acquisitions or improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1272**—An act to add Sections 106.5 and 1203 to the Water Code, relating to water and the use thereof, declaring a State policy in relation to water and water rights owned by municipalities, and providing for the application of water in excess of the needs of municipalities to beneficial uses by others.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 151**—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1171**—An act to add Chapter 8, comprising Sections 4871 to 4878 inclusive, to Division 4 of the Public Resources Code, relating to the protection and improvement of range and forage lands and providing for controlled land clearance and revegetation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 468**—An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.03 p.m., on motion of Senator Shelley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1082 refused reconsideration by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Mayo, Powers, Quinn, Seawell, Shelley, Slater, and Tenney—18.

**NOES**—Senators Biggar, Brown, DeLap, Desmond, Dilworth, Gordon, Hatfield, Hulse, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Sutton, Swing, Ward, and Weybret—18.

#### RECESS

At 12.05 p.m., on motion of Senator Powers, the Senate recessed until 1.30 p.m.

#### REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.



## REPORTS OF STANDING COMMITTEES

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1822

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 249

Assembly Bill No. 671

Assembly Bill No. 268

Assembly Bill No. 1522

Assembly Bill No. 663

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 872

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; noes 1.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 248

Assembly Bill No. 269

Assembly Bill No. 590

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Constitutional Amendment No. 6

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported resolutions ordered to second reading.

## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1078

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 151

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 468

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 101

Senate Bill No. 451

Senate Bill No. 381

Senate Bill No. 1171

And reports the same correctly engrossed.

SEAWELL, Chairman

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Joint Resolution No. 23:** By Senator Biggar—Relative to memorializing the President and Congress of the United States and the Surgeon Generals of the United States Army and Navy to consider the advisability of, and the special advantages to be derived from, establishing one or more military hospitals in mineral spring areas of California, and urging that affirmative action be taken in regard thereto.

Referred to Committee on Military and Veteran Affairs.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 56:** By Senator Gordon—Relative to approving an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the seventh day of May, 1945.

**Request for Unanimous Consent**

Senator Gordon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 56, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 56**

**Senate Concurrent Resolution No. 56**—Relative to approving an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the seventh day of May, 1945.

Resolution read.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Gordon moved a call of the Senate.

Motion carried. Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 451**—An act to amend Section 80 of the Fish and Game Code, relating to District 12B.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hulse, Jespersen, Judah, Mayo, McCormack, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—22.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 28**—An act to amend Section 41.5 of the Unemployment Reserves Act, relating to a system of unemployment reserves.

Bill read third time.

## Motion to Amend

Senator Weybret moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "Reserves", and insert "Insurance".

## Amendment No. 2

On page 1, line 1, of said bill, strike out "Reserves", and insert "Insurance".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Concurrent Resolution No. 50**—Relative to the timing and correlation of public works and public services projects with private employment, and requesting the State Reconstruction and Reemployment Commission to engage upon a continuing study of such subject and to furnish to public agencies information and advice in respect thereto.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McBride, McCormack, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—23.

**NOES**—Senator Swing—1.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 957**—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendment:

**Amendment No. 1**

On page 6, line 13, of the printed bill, as amended, strike out "6931", and insert "6932".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 1.57 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Concurrent Resolution No. 56 adopted by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MOTION TO EXCUSE MEMBER**

At 1.59 p.m., Senator Jespersen moved that Senator DeLap be excused for the balance of the legislative day.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 579**—An act adding Section 97 to the County Employees Retirement Act of 1937, relating to contributions of members who have been in the armed forces of the United States, declaring the urgency thereof, and that this act shall take immediate effect.

Bill read third time, and presented by Senator Tenney.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—27.

**NOES**—None.



The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Keating moved a call of the Senate.

Motion carried. Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 429**—An act to add Section 5630 to the Streets and Highways Code, relating to the maintenance and repair of sidewalks and the collection of the cost of such repairs.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Hulse, Keating, Mayo, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—23.

NOES—Senators Donnelly, Jespersen, Judah, and McBride—4.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1322**—An act to repeal Section 4 of an act entitled "An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance and life insurance analysts," approved July 12, 1941, relating to insurance.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1327**—An act to amend Sections 10970, 11061, 11118, 11344, and 11345 of the Insurance Code, relating to fraternal benefit societies.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 523**—An act amending Section 8 of, and adding Sections 8.5 and 18 to, an act entitled, "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to weapons.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Ducl, Dillinger, Donnelly, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### President of the Senate Presiding

At 2.25 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 1812**—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Bill read third time.

#### Motion to Amend

Senator Judah moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out the period and insert "with the advice and consent of the Senate."

Amendment read and adopted.

#### Further Amendments to Assembly Bill No. 1812

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

#### Amendment No. 1

On page 3, line 29, of said bill, after "chapter," insert "Every registered social worker shall be a citizen of the United States."

#### Amendment No. 2

On page 4 of said bill, between lines 19 and 20, insert "(d) He advocates the overthrow of the Government by force and violence or other unlawful means."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1034**—An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1571**—An act to amend Sections 6925, 6926, 6927, 6928, 6929, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938, 6939, 6940, 6941, 6942, and 6943 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1572**—An act to amend Sections 6925, 6926, and 6930, and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1066**—An act amending Sections 7103, 7136 and 8703 of, and adding Sections 8722.1 and 10502.1, to the Education Code, relating to continuation high schools.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—32.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1067**—An act amending Section 9032 of the Education Code, relating to continuation education classes.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:57 p.m., on motion of Senator Keating, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 579 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 274**—An act to amend Sections 19601, 19613, and 19616 of the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Hulse moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 19601, 19613 and", and insert "Section".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 16, inclusive.

##### Amendment No. 3

On page 2 of said bill, strike out lines 1 to 3, inclusive, and insert "SECTION 1. Section 19616 of said code is amended to".

##### Amendment No. 4

On page 2, line 9, of said bill, strike out "4", and insert "2".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1727**—An act to amend Sections 6301 to 6306, inclusive, and Section 6334 of the Education Code, relating to school district budgets.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2165**—An act to add Section 6007 to the Government Code, relating to newspapers of general circulation, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Donnelly.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 585**—An act to amend Sections 9754, 9756 and 9760 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 588**—An act to add Section 11123 to the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1519**—An act to add Sections 3209.3, 3209.5 and 3209.6 to, the Labor Code, relating to workmen's compensation and insurance.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—24.

NOES—Senators Breed, Burns, Dilworth, McBride, and Mixter—5.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 589**—An act to amend Section 4536 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 592**—An act to amend Section 5552 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 919**—An act to amend Section 136d of the Bank Act, relating to the disposition of property held as trustee or in safe-keeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 593**—An act to amend Section 7201 of, and to repeal Sections 7881 and 7882 of, the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 586**—An act to amend Section 5503 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 591**—An act to amend Section 3712 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 557**—An act to amend Section 181 of the Agricultural Code, relating to diseased animals.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 558**—An act to amend Section 690 of the Agricultural Code, relating to disposition of moneys.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 559**—An act to amend and renumber Section 509 of the Agricultural Code, as added by Chapter 436, Statutes 1943, to be numbered 509.1 of said code, relating to frozen products standards.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 560**—An act to amend Section 643.2 of the Agricultural Code, relating to milk rooms.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 561**—An act to amend Section 35 of the Agricultural Code, relating to temporary provisions, conditions, standards or prices.

Bill read third time, and presented by Senator Crittenden.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 139**—An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Sections 1515.1 and 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—26.

NOES—None.



**Motion to Reconsider**

Senator Dilworth moved to reconsider the vote whereby Assembly Bill No. 139 was passed.

**Postponement of Reconsideration**

On motion of Senator Dilworth, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 139 was passed, was continued until the next legislative day.

**Assembly Bill No. 329**—An act to amend Section 1351 of the Labor Code, relating to working hours of female employees.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 331**—An act to add Section 1397.5 to the Labor Code, relating to employment of minors.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 334**—An act to amend Sections 1250, 1251 and 1252 of the Labor Code, relating to female employees.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 1177**—An act to amend Section 754.5 of the Probate Code, relating to the sale of personal and real property as a unit.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1336**—An act to amend Sections 1290, 1299, 1302, and 1307 of the Labor Code, relating to the employment of minors.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1337**—An act to amend the article heading of Article 2 of Chapter 1 of Part 1 of Division 2 and to repeal Sections 258 and 259 of the Labor Code, and to add Article 3, comprising Sections 270 to 272, inclusive, to said code, relating to payment of wages.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 776**—An act to amend Sections 1299.18, 1299.19, 1300.1, and 1300.4a of, and to add Section 1300.1a to, the Agricultural Code, relating to processors of farm products.

Bill read third time, and presented by Senator Mixer.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2005**—An act to amend Sections 1011, 1012, and 1013 of, and to add Sections 1010, 1012.5 and 1012.6 to, the Agricultural Code, relating to spray residue.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1231**—An act to amend Section 761.1 of the Agricultural Code, relating to canning tomato standards.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1264**—An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 11, of the printed bill, as amended, after "highway", insert "outside of a business or residence district."

Amendment read and adopted.

Bill ordered printed and to third reading.

**Assembly Bill No. 1180**—An act to amend Section 79 of, and to add Section 79.1 to, the State Employees Retirement Act, providing that a city fireman or city policeman may retire under the provisions of said State Employees Retirement Act after he has completed 20 years of continuous service and upon reaching the age of 55 years.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "79 of, and to add Section 79.1", and insert "20952 of the Government Code".

**Amendment No. 2**

In the title of said bill, strike out lines 2 to 6, inclusive, and insert "relating to the State Employees' Retirement System, and providing for the retirement of local safety members."

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 20, inclusive; and on page 2 of said bill, strike out lines 1 to 16, inclusive, and insert

"SECTION 1. Section 20952 of the Government Code is amended to read:

20952. (a) A local safety member shall be retired for service upon his written application to the board if he has attained [the minimum age for voluntary retirement for service specified in the contract between his employer and the board]age 55, and is entitled to be credited with 20 years of continuous State service.

(b) The provisions of subdivision (a) of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, which contract specifies an age greater than age 55 as the

*minimum age for voluntary retirement for service for local safety members, unless and until the agency elects to make subdivision (a) of this section applicable to its employees, by amendment to its contract made in the manner prescribed for the approval of contracts, except that an election among the employees is not required.*

*Unless and until any such contracting agency elects to make subdivision (a) of this section applicable to its employees, a local safety member employed by such contracting agency shall be retired for service upon his written application to the board if he has attained the minimum age for voluntary retirement specified in the contract between his employer and the board, and is entitled to be credited with 20 years of continuous State service."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2078**—An act to amend Sections 142 and 382 of the Vehicle Code, and to add Sections 39.5, 39.6 and 168 thereto, relating to special highway construction equipment and agricultural water-well boring rigs.

Bill read third time.

#### Motion to Amend

Senator Hulse moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 25, of the printed bill, as amended, after the period, insert "A lift-carrier designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway, shall be deemed to be an implement of husbandry."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1454**—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, and 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones;  
Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

KEATING

SLATER

BIGGAR

Senate Committee on Conference

CALL

WATSON

McCOLLISTER

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—24.

**NOES**—None.



**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1283**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in, and that the bill, as amended on May 11, 1945, be further amended as follows:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out "five dollars (\$5)", and insert "seven dollars (\$7)".

KEATING  
GORDON  
POWERS

ERWIN  
WATSON  
CALL

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—24.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

**Senate Constitutional Amendment No. 17:** By Senators Tenney, Fletcher, Burns, Salsman, Cunningham, Seawell, Sutton, Weybret, Crittenden, Brown, Dilworth, Mayo, Deuel, Dillinger, Powers, Keating, Mixter, Biggar, McBride, Hulse—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920.

Referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 18:** By Senators Biggar and Carter—Proposed amendment to Article XX of the Constitution, by adding Section 23.8, relating to forests and forestry, the taxation of forest lands and timber farms.

Referred to Committee on Natural Resources.

#### ADJOURNMENT

At 5.17 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Saturday, May 19, 1945.

JOHN F. LEA, Minute Clerk

**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SEVENTY-THIRD LEGISLATIVE DAY

ONE HUNDRED THIRTY-SECOND CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Saturday, May 19, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward and Weybret—35.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leave of absence for the day:

Senator Shelley, on motion of Senator Carter, Senator Collier, on motion of Senator Mayo, Senator Parkman, on motion of Senator Mayo, Senator Breed, on motion of Senator Mayo, and Senator DeLap, on motion of Senator Mayo, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On the request of Senators Slater and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. J. J. Crowley of San Francisco, former State Senator.

On the request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis M. Desmond, Seaman 2/c, son of Senator Desmond.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. George Ohonneson of Los Angeles.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pvt. Armando R. Lawrence of Los Angeles, Pvt. Joseph F. Casella, of Pittsfield, Massachusetts, Pfc. Charles S. Kate of Bronx, New York, and Pvt. Glenn B. Patton of Paragould, Arkansas.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended Mrs. H. Alexander Glade of Honolulu, Territory of Hawaii, and Mrs. Charles R. Stevens of San Francisco.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 10.03 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 131

And reports the same correctly engrossed.

SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and place of business.

From committee with recommendation: Be amended, and re-referred to committee.

Above bill ordered held on second reading file.

**Senate Bill No. 1285**—An act authorizing the State Park Commission to transfer certain lands to the County of Butte.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 635**—An act to add Section 3.5 to the County Civil Service Enabling Act, relating to firemen.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 530**—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out “, declaring the urgency thereof, to take effect immediately”.



**Amendment No. 2**

On page 1 of said bill, in lines 8 and 9, strike out "eight thousand five hundred dollars (\$8,500)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 3**

On page 1 of said bill, in lines 11 and 12, strike out "four hundred dollars (\$400) per month;" and insert "a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16), and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;"

**Amendment No. 4**

On page 1, line 13, of said bill, strike out "shall", and insert "may".

**Amendment No. 5**

On page 1 of said bill, strike out lines 18 to 23, inclusive, and insert

"One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8) and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly."

**Amendment No. 6**

On page 1 of said bill, in lines 25 and 26, strike out "four hundred dollars (\$400) per month", and insert "a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars (\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty-five dollars (\$355) monthly";

**Amendment No. 7**

On page 2, line 1, of said bill, strike out "shall", and insert "may".

**Amendment No. 8**

On page 2 of said bill, strike out lines 8 to 21, inclusive, and insert

"One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service."

**Amendment No. 9**

On page 2, line 27, of said bill, strike out "eight thousand five hundred dollars (\$8,500)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 10**

On page 2 of said bill, in lines 30 and 31, strike out "four hundred dollars (\$400) per month"; and insert "a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16) and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;"

**Amendment No. 11**

On page 2, line 32, of said bill, strike out "shall", and insert "may".

**Amendment No. 12**

On page 2 of said bill, strike out lines 33 to 38, inclusive, and insert "One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8), and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly."

**Amendment No. 13**

On page 2, line 40, of said bill, strike out "four hundred dollars (\$400)"; and strike out lines 41 to 52, inclusive; and on page 3 strike out lines 1 to 3, inclusive, and insert "a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars (\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty five dollars (\$355) monthly;

(e) The marshal may appoint the following:

One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department of constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. (Changes of title created in establishing the municipal court shall not detract from said years of prior service.)"

**Amendment No. 14**

On page 3 of said bill, strike out lines 15 to 34, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 75**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 4, line 14, of the printed bill, as amended, strike out "the work of clearance and", and insert "in the work of clearance and in".

**Amendment No. 2**

On page 8, line 51, of said bill, strike out "rehabilitation", and insert "redevelopment".

**Amendment No. 3**

On page 11, line 22, of said bill, strike out "Section 42", and insert "Section 41."

**Amendment No. 4**

On page 17, line 27, of said bill, strike out "any such owner fails", and insert "such owner or owners fail".

**Amendment No. 5**

On page 17, line 28, of said bill, strike out "refuses", and insert "refuse".

**Amendment No. 6**

On page 20, line 33, of said bill, strike out "development", and insert "redevelopment".

**Amendment No. 7**

On page 21, line 14, of said bill, strike out "part of", and insert "part or".

**Amendment No. 8**

On page 22, line 47, of said bill, after "Federal", insert "or State".

**Amendment No. 9**

On page 23 of said bill, strike out lines 13 and 14 and insert "such work to be done in a project, the agency shall ascertain the general prevailing".

**Amendment No. 10**

On page 23, line 18, of said bill, strike out "what".

**Amendment No. 11**

On page 23, line 21, of said bill, strike out "or work".

**Amendment No. 12**

On page 23, of said bill, between lines 36 and 37, insert

"The agency shall require the successful bidder or bidders to file with the agency good and sufficient bonds, to be approved by the agency, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter."

**Amendment No. 13**

On page 23, line 52, of said bill, strike out "the planning commission", and insert "each planning commission".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1078**—An act to amend Section 66 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure and provisions for claims for benefits thereunder.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, line 10, of the printed bill, after "benefits", insert "in such manner".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment No. 6**—A resolution to propose to the people of the State of California an amendment to Section 26 of Article VI of the Constitution of the State, relating to the selection of judges and the filling of vacancies in such judicial offices.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 2, line 37, of the printed measure, strike out "four", and insert "three".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment No. 7**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article VI thereof a new section to be numbered 8½, relating to nominations or appointments to fill vacancies in the office of judge of a superior court or of any court of record inferior to the superior court.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 14, of the printed measure, strike out "four", and insert "three".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 336**—An act to amend Section 862.16 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Bill read second time.



## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 764 and".

**Amendment No. 2**

In line 4 of the title of said bill, strike out "a city council in cities of the", and insert "city councils in cities of the fifth and".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "862.16", and insert "764".

**Amendment No. 4**

On page 1 of said bill, between lines 2 and 3, insert

"SEC. 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the constitution and laws of this State, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, that they shall not have any power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding 10 years for the purpose of erecting bathhouses thereon.

3. To contract for supplying the said city with water, and gas, and electric lights or other lights for municipal purposes; to purchase, lease, construct or otherwise acquire waterworks, electric plants, and gas works or plants or any of same, and all machinery, conductors, lands, appliances and all other things needed therefor, and to supply said city with, and to sell to the inhabitants of said city, gas, electric light or other light, and heat, and power; provided, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct and maintain drains and sewers, and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose and collect from every male inhabitant between the ages of 21 and 60 years, an annual street poll tax, not exceeding 2 dollars, and no other road poll tax shall be collected within the limits of such city; that any member of a volunteer fire company in such city shall be exempt from such tax.

8. To impose and collect an annual license, not exceeding two dollars on every dog owned or harbored within the limits of the city.

9. To levy and collect, annually, a property tax which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty-five cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city; provided, however, that the board of trustees, by unanimous vote, may elect to levy a total tax, during any year, not exceeding one dollar and twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within such city, and in that case may apportion the part of said tax over one dollar on one hundred dollars of the assessed value of all real and personal property within such city among the different funds, as they may deem proper.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on

therein; to fix the rates of licenses upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

12. To erect and maintain buildings for municipal purposes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telephone, telegraph and electric light lines therein.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; provided, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

16. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed [three] five hundred dollars, nor the term of such imprisonment exceed [three] six months.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, shades, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, policy, sanitary, and other regulations as do not conflict with general laws.

20. To levy and collect a property tax in addition to that now authorized by law for the purpose of improving, repairing, and maintaining any and all streets, avenues, lanes, alleys, courts, places and sidewalks of said municipality, which have heretofore been accepted by said municipality, under and pursuant to the provisions of any street improvement act, providing for the acceptance of streets by said municipality, which such tax shall not exceed thirty cents on each one hundred dollars of the assessed value of all real and personal property within such municipality.

21. *To exercise any power heretofore or hereafter conferred upon cities of the sixth class by the provisions of this act.*

SECTION 2. Section S62.16 of the act cited in the title hereof is amended to read:—

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**Assembly Bill No. 1532**—An act to amend Sections 2, 9, 9.1, and 9.2 of, and to add Sections 6.1 and 6.2 to, the "Metropolitan Water District Act," approved May 10, 1927, relating to the definitions of certain terms, providing for the addition or inclusion of areas to or in metropolitan water districts and providing for the effect thereof, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts, county water districts, and county water authorities, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district, county water district or county water authority, so included within any such metropolitan water district

and providing the effects thereof, providing for the election to pay the taxes or a portion thereof levied by any such metropolitan water district out of the municipal funds of any municipality whose corporate area is comprised within an overlying municipal water district, municipal utility district, public utility district, county water district, or county water authority, whose corporate area is included within such metropolitan water district, providing for presentation of claims and demands against metropolitan water districts, and declaring the severability of the provisions of this act.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 2 of the title of the printed bill, strike out "6.2", and insert "8.2".

##### Amendment No. 2

On page 4, line 27, of said bill, before "board", insert "the".

##### Amendment No. 3

On page 5, line 49, of said bill, between "within" and "such", insert "which".

##### Amendment No. 4

On page 6 of the printed bill, lines 34 and 35, strike out "in such municipality, and all such taxes when so collected".

##### Amendment No. 5

On page 7, line 32, strike out "this", and insert "said".

##### Amendment No. 6

On page 9, line 21, of said bill, strike out "together with", and insert "which statement also shall contain a legal description of the boundaries of such annexed corporate area of such municipality unless a statement and map or plat indicating the boundaries of such last-mentioned municipality theretofore shall have been filed with the county assessor of each county within which such municipality or any part thereof shall lie and with the State Board of Equalization, pursuant to Section 3720 of the Political Code or other applicable provision of law. Such statement so filed by the secretary of such metropolitan water district shall be accompanied by".

##### Amendment No. 7

On page 9 of said bill at the end of line 35, insert "pursuant to Section 3720 of the Political Code, or other applicable provisions of law".

##### Amendment No. 8

On page 10, line 17, of said bill, strike out "this", and insert "said".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**Assembly Bill No. 120**—An act to amend Section 2 of an act entitled "An act providing for the creation of revolving funds in the counties and townships of the State," approved May 9, 1923, relating to the bond to be furnished as surety for such revolving fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 520**—An act to amend Section 261b of the Code of Civil Procedure, relating to fees for phonographic reporting.

Bill read second time and ordered to third reading.



**Assembly Bill No. 989**—An act to amend Section 4288 of the Political Code, relating to the payment of the salary of the county assessor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 76**—An act to amend Section 737w of the Political Code, relating to the salary of the judge of the Superior Court of the County of Mendocino.

Bill read second time.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after the period insert

"The compensation provided by this section shall be paid to the incumbent officer."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1069**—An act to amend Section 737gg of the Political Code, relating to the salary of judges in counties of the fourteenth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1544**—An act to amend Section 737xx of the Political Code, relating to judges' salaries in counties of the sixteenth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2053**—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the Superior Court in Ventura County.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2111**—An act to amend Section 737s of the Political Code, relating to salaries of judges of the Superior Court in and for the County of Los Angeles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 419**—An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out line 16 and insert "shall receive six hundred fifty dollars (\$650)".

**Amendment No. 2**

On page 1, line 18, of said bill, strike out "seventy-five".



**Amendment No. 3**

On page 1, line 19, of said bill, strike out "\$675", and insert "\$600".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 486**—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 3, line 43, of the printed bill, after "of", insert "four thousand two hundred dollars (\$4,200) per annum from the effective date of this amendment until the first Monday after the first day of January, 1947, and thereafter a salary of".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 109**—An act to authorize political subdivisions of the State, districts, and municipal corporations to purchase or acquire surplus property pursuant to the Surplus Property Act of 1944.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

Strike out all of the title of the printed bill, as amended, and insert

"An act to amend Sections 1, 2, 3 and 4 of and to add Section 6 to the act entitled "An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately," approved May 3, 1945, authorizing the acquisition of Federal surplus property by any county, city and county, city, municipal corporation or public district of or within this State, whether directly from the United States, its instrumentalities or agencies or through or from the State, and regulating the manner of such acquisition, this act to take effect immediately."

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

SECTION 1. As used in this act, the term "municipality" shall mean any county, city and county, city, municipal corporation or public district.

SEC. 2. Section 2 of said act is amended to read:

SEC. 2. Any municipality may acquire in any manner whatsoever from the United States of America or any department, board or agency thereof, or from the State or any department or agency thereof any Federal surplus property, real or personal, without regard to provisions of law which require posting of notices or advertising for bids, inviting or receiving of bids, delivery of purchases before payment, or provisions of law which prevent such municipality from entering a bid or bids in its behalf at any sale of Federal surplus property, real or personal, by the United States of America or any department, board or agency thereof, or by the State or any department or agency thereof. The legislative body of any such municipality may authorize any municipal officer to make a down payment or payment in full required in connection with such bidding or sale.

SEC. 3. Section 3 of said act is amended to read:

SEC. 3. Any provisions of any statute, charter, ordinance, or resolution which are inconsistent with the provisions of this act are suspended to the extent that such provisions are inconsistent herewith.

SEC. 4. Section 4 of said act is amended to read:

SEC. 4. The provisions of this act shall not be construed to require posting of notices or advertising for bids, the inviting or receiving of bids, the delivery of purchases before payment, or other similar acts not now required by law. Nor shall the

provisions of this act be construed to prevent any municipality from entering bids on its behalf at any sale or from making any down payment in connection therewith where such authority now exists by provision of any law.

SEC. 5. Section 6 is added to said act, to read:

SEC. 6. This act shall be known as the "Federal Surplus Property Acquisition Act of 1945."

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

The facts constituting such necessity are as follows:

The act cited in the title hereof took effect immediately as an urgency measure necessitated by the facts stated in Section 5 thereof, which statement of facts is incorporated herein by this reference. A doubt has been suggested as to the sufficiency of the word "municipalities," as used in the title of the act hereby amended, to indicate and include all of the several public or governmental agencies indicated in the title of this amendatory act. To resolve that doubt and to avoid any delay which might otherwise occur it is necessary that this amendatory act take effect immediately, but no inference is to be drawn herefrom that the word "municipalities" does not include within the scope of its meaning all of such agencies."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1765**—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, in lines 8 and 9, after "1940," strike out "as determined by the Federal census of 1940".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 501**—An act to add Section 5½ to the County Water District Act, relating to directors of county water districts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1, line 7, of the printed bill, between "tion", and the first comma, insert "and a petition, signed by five per cent (5%) of the qualified electors in the district, requesting that the general county water district election in the district be held has not been presented to the board of directors of the district".

##### Amendment No. 2

On page 1 of said bill, lines 7 and 8, strike out "of directors of the district", and insert "of supervisors of the county in which the district is situated".

##### Amendment No. 3

On page 1, line 15, of said bill, strike out "directors", and insert "supervisors".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2178**—An act to amend Section 4004.5 of the Political Code, relating to loans by counties to fire districts and park, recreation and parkway districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 6, of the printed bill, after "are", insert "or will be when available".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 922**—An act to add Section 1225 to the Government Code, relating to the destruction of city records no longer required.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, after "approval", insert "by resolution,".

**Amendment No. 2**

On page 1, line 6, of said bill, after "and", insert "consent in writing of".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1822**—An act to amend Section 2845 of the Elections Code, relating to county central committees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 249**—An act to amend Section 370 of the Elections Code, relating to the preparation of indexes of registration.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 268**—An act to amend Section 5730 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 663**—An act to add Article 3 to Chapter 3, of Division 9 of, and Section 8510 to the Elections Code, relating to election contests.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 671**—An act to amend Section 2631 of the Elections Code, relating to sponsor list.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1522**—An act to add Section 2848 to the Elections Code, relating to change of residence by county central committeeman.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 872**—An act to amend Section 5811 and to add Section 5814 to the Labor Code, relating to a penalty for delay in the payment of workmen's compensation benefits.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1 of the printed bill, beginning on line 19, after "herein.", strike out "This section shall not apply when an award has been increased pursuant to Section 5815."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 248**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code, relating to the preparation and furnishing of indexes of registration.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 2, line 20, of the printed bill, as amended, strike out "one", and insert "two".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 269**—An act to add Section 2670.1 to the Elections Code, relating to printing and distribution of election forms.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 3 to 9, inclusive, and insert

"2670.1. The county clerk shall supply all forms required for nomination and election to all Congressional, State and county offices. Such forms shall be distributed without charge to all such candidates applying therefor; provided, however, that such forms shall not be distributed except upon the prepayment of the filing fees provided for in Sections 2671, 2671.5 and 2672 of this code. Such filing fees shall not be refunded in the event the candidate fails to qualify as a candidate."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 590**—An act to amend Section 5507 of the Elections Code, relating to elections.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, after "shall", insert "be adequate and shall".

Amendment read and adopted.

Bill ordered printed, and to third reading.



## MOTION TO CONSIDER ASSEMBLY BILLS

At 10.10 a.m., Senator Seawell moved that the Senate at this time re-refer to the Assembly third reading file for the purpose of Considering Assembly Bills.

Motion carried.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 381**—An act to amend Section 556 of the Agricultural Code, relating to milk products.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 528**—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to Standardization requirements.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 530**—An act to amend Section 784.5 of the Agricultural Code, relating to the packing of fruits and vegetables.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 531**—An act to amend Section 154.3 of the Agricultural Code, relating to crop seed screenings.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 534**—An act to amend Section 100 of the Agricultural Code, relating to quarantine and pest control definitions.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 535**—An act to add a new section, to be numbered 67, to the Agricultural Code, relating to duties of the director.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 538**—An act to amend Section 34 of the Agricultural Code, relating to cooperative agreements.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 539**—An act to amend Section 110 of the Agricultural Code, relating to permits for pest shipment.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 548**—An act to amend Section 221 and to repeal Sections 234.25, 234.5, 240.5, 249, 250, and 251, respectively, of the Agricultural Code, relating to bovine tuberculosis.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 549**—An act to amend Section 471 of the Agricultural Code, relating to cream.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 550**—An act to amend Sections 466 and 476 of the Agricultural Code, relating to milk.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Carter:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 18, 1945

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law.

Respectfully submitted.

SENATOR CARTER

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 18, 1945

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

**NOES**—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Burns:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 19, 1945

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend "An act relating to the rights, powers and disabilities of aliens and

of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by electors November 2, 1920, relating to aliens and to persons of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owe any allegiance to any foreign government, emperor, prince or potentate; to the escheat of certain property holdings, including watercraft, and to procedure relating thereto.

Respectfully submitted.

SENATOR BURNS

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 1292:** By Senator Carter—An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1293:** By Senator Burns—An act to amend "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by electors November 2, 1920, relating to aliens and to persons of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owe any allegiance to any foreign government, emperor, prince or potentate; to the escheat of certain property holdings, including watercraft, and to procedure relating thereto.

Referred to Committee on Judiciary.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 551—**An act to amend Section 483 of the Agricultural Code, relating to guaranteed milk.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen,



Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—23.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 552**—An act to amend Section 484 of the Agricultural Code, relating to grade A raw milk.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 553**—An act to amend Section 485 of the Agricultural Code, relating to the sale of milk.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 554**—An act to add a new section to the Agricultural Code, to be numbered 207.8, relating to dourine.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 556**—An act to amend Section 500.5 of the Agricultural Code, relating to dairy farm permits.

Bill read third time, and presented by Senator Crittenden:

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 536**—An act to amend Section 52.5 and 53 of the Agricultural Code, relating to the appointment, qualification, authority, and employment of persons serving as commissioners and deputy commissioners.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 774**—An act to amend Sections 1261, 1262, 1263, 1264, 1267, 1268, 1269, 1272, and 1273 of the Agricultural Code, and to add Section 1266 thereto, relating to produce dealers.

Bill read third time, and presented by Senator Mixter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2145**—An act to add Section 5160 to the Public Resources Code, relating to the power of boards of supervisors to dedicate park property to highway purposes.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 270**—An act to add Sections 2262.1, 2262.2, 2262.3 and 2262.4 to, and to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 4, 5 and 6.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2088**—An act to amend Sections 6 and 10 of and to add Section 6a to the War Production Act, relating to employment and working conditions of female employees essential to the war effort.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented :

By Senator Biggar :

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to provide for the creation of timber farms and for the administration and taxation thereof, and providing that this act shall take effect upon the adoption of Senate Constitutional Amendment No. 18.

Respectfully submitted,

SENATOR BIGGAR

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1945

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Natural Resources.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Ward—31.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time :

**Senate Bill No. 1294:** By Senator Biggar—An act to provide for the creation of timber farms and for the administration and taxation thereof, and providing that this act shall take effect upon the adoption of Senate Constitutional Amendment No. 18.

Referred to Committee on Natural Resources.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.50 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 397**—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections

629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

Bill read third time, and presented by Senator Carter.

#### Previous Question

Senator Dillinger moved the previous question.

Motion carried.

The question being on final passage of Assembly Bill No. 397.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, and Ward—24.  
**NOES**—Senators Biggar, Desmond, Donnelly, Hulse, Mayo, Salsman, Sutton, Swing, and Tenney—9.

Bill ordered transmitted to the Assembly.

#### RECESS

At 12.32 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

#### REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1502**—An act to amend Sections 6005, 6006, 6010, 6011, 6012, 6563, 6701, 6901, 6907, and 6935 of the Revenue and Taxation Code and to add Sections 6019 and 6402 to said code all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Swing moved the adoption of the following amendments:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "Sections 6019 and", and insert "Section".

##### Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 35 to 41, inclusive.

##### Amendment No. 3

On page 2, line 45, of the printed bill, as amended, after "from", insert "any Government agency of".

##### Amendment No. 4

On page 3, line 1, of the printed bill, as amended, after "property," insert "Government agency,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1219**—An act to amend Sections 12291, 13059.2, 16441 and 16443 of the Education Code, relating to school audiometrists.

Bill read third time.



**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "12291,".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "Audiometrists", and insert "Supervisors of Health".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 19, inclusive.

**Amendment No. 4**

On page 1, line 20, of said bill, strike out "SEC. 2.", and insert "SECTION 1.".

**Amendment No. 5**

On page 2, line 4, of said bill, strike out the figure "3", and insert "2".

**Amendment No. 6**

On page 2, line 9, of said bill, after "otologist," insert "chiroprapist,".

**Amendment No. 7**

On page 2, line 22, of said bill, after "otologist," insert "chiroprapist,".

**Amendment No. 8**

On page 2, line 19, of said bill, strike out "4", and insert "3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Hatfield moved that Senate Bill No. 608 be taken from the inactive file for the purpose of amendment and be returned to the inactive file.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 608**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 10, of the printed bill, as amended, strike out "their".

**Amendment No. 2**

On page 2, line 50, of said bill, strike out "(c)", and insert "(b)".

**Amendment No. 3**

On page 3, line 46, of said bill, after "ture", insert "in said county".

Amendments read and adopted.

Bill ordered printed, and to the inactive file.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 800**

Senator Swing moved that Senate Bill No. 800 be withdrawn from Committee on Governmental Efficiency for the purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, 47.5, 59.6, and 61.3, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 3, line 10, of the printed bill, as amended, after "means", insert "(1)".

**Amendment No. 2**

On page 3, line 12, of the printed bill, as amended, strike out the comma and insert a semicolon.

**Amendment No. 3**

On page 3 of the printed bill, as amended, between lines 12 and 13, insert "or (2) any person, except a public warehouse licensed under this act, to whom delivery is first made in this State of alcoholic beverages brought into this State from without this State for delivery or use within this State; (3) any person licensed as an importer, selling alcoholic beverages to non-licensees within an area over which the United States Government exercises jurisdiction when delivery of such alcoholic beverages is made to such non-licensees by a common carrier transporting such alcoholic beverages from a point outside this State;"

**Amendment No. 4**

On page 3, line 13, of the printed bill, as amended, after "or", insert "(4)".

**Amendment No. 5**

On page 4, line 6, of the printed bill, as amended, strike out "to be consumed", and insert "for consumption".

**Amendment No. 6**

On page 15 of the printed bill, as amended, strike out lines 36 to 52, inclusive; and on page 16 strike out lines 1 to 4, inclusive, and insert

"Each license issued under this act is separate and distinct and shall be transferable from the person to whom originally issued or by whom renewed to another person upon the approval of the board as provided in this act and upon the payment of a transfer fee equal to the fee payable upon an original application as provided under Section 5 of this act; provided, that the license or licenses of a decedent, minor ward, incompetent person, bankrupt person, or assignor for the benefit of creditors may be transferred by or to the surviving partner or partners of a deceased licensee, the executor, administrator, or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, and the fee for transfer for each license in such case shall be twenty-five dollars (\$25)."

Each license issued under this act shall be transferable from the premises for which issued upon the approval of the board and upon the payment of a transfer fee of twenty-five dollars (\$25) and upon compliance with the provisions of this act relating to the issuance of an original license."

**Amendment No. 7**

On page 17, line 3, of the printed bill, as amended, after the period insert "At least 7 days before the filing of a transfer application with the board, a copy of the escrow agreement, certified by the escrow holder to be a true and correct copy thereof, shall be filed with the county recorder of the county in which the premises for which said license has been issued are situated."

**Amendment No. 8**

On page 29, line 50, of the printed bill, as amended, strike out "alcoholic beverage", and insert "distilled spirits".

**Amendment No. 9**

On page 29 of the printed bill, as amended, strike out line 52 and insert "an onsale general license".

**Amendment No. 10**

On page 30 of the printed bill, as amended, strike out lines 3 and 4.

**Amendment No. 11**

On page 30, line 5, of the printed bill, as amended, strike out "other than beer", and insert "premises are situated, provided that no additional offsale general licenses, other than a renewal or transfer or as permitted hereinafter in this section, shall be issued in any county where the number of all premises for which onsale licenses, other than onsale beer licenses, are issued shall be more than one of such premises for each 1,000, or fraction thereof, inhabitants of such county. The number of premises for which an offsale general license,".

**Amendment No. 12**

On page 30 of the printed bill, as amended, strike out lines 7 and 8 and insert "in which the premises are situated, provided that no additional offsale general license, other than a renewal or transfer or as permitted hereinafter in this section, shall be issued in any county where the number of premises for which all offsale licenses are issued shall be more than one of such premises for each 1,000, or fraction thereof, inhabitants of such county. Population, for the purpose of this paragraph, shall be deter".

**Amendment No. 13**

On page 30, line 11, of the printed bill as amended, strike out "be deemed to require", and insert "authorize".

**Amendment No. 14**

On page 30, line 27, of the printed bill, as amended, after the comma, insert "other than beer,".

**Amendment No. 15**

On page 30, line 46, of the printed bill, as amended, after "1,000", insert "or multiples of 1,000".

**Amendment No. 16**

On page 30, line 50, of the printed bill, as amended, after "issue", insert "not to exceed one onsale general license and one offsale general license for each increase of 1,000 inhabitants in such county since the taking of such census."

**Amendment No. 17**

On page 31 of the printed bill, as amended, strike out line 1.

**Amendment No. 18**

On page 31 of the printed bill, as amended, strike out line 2 preceding "In".

**Amendment No. 19**

On page 31, line 17, of the printed bill, as amended, strike out "by more than 1,000 inhabitants".

**Amendment No. 20**

On page 31 of the printed bill, as amended, strike out line 18, and insert "to the extent and under the conditions mentioned in the preceding paragraph of this section."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Governmental Efficiency.

**MOTION TO EXCUSE MEMBER**

At 2.20 p.m., Senator Brown moved that Senator Weybret be excused for the balance of the legislative day.

Motion carried.

**COMMUNICATIONS**

The following communication was received and read, and ordered printed in the Journal:

THE MISSION INDIAN FEDERATION OF CALIFORNIA  
WASHINGTON, D. C., May 12, 1945

To the Honorable Members of the California State Senate,  
The Capitol, Sacramento, California.

Re: Assembly Bill No. 1178

GENTLEMEN: The undersigned, duly delegated by the Mission Indian Federation of Southern California to oppose State Assembly Bill No. 1178, have just learned that the bill, as amended, was passed by the Assembly and is now before the Senate for



approval. We are indeed sorry that officials so highly honored to represent the best interests and welfare of all the people would so intolerantly ignore the appeals of the Indian citizens of our great State and pass A.B. No. 1178, as amended by its Committee on Governmental Efficiency and Economy on April 27, 1945.

The Indian people of the State, although greatly handicapped and unable to effectively present their voice of opposition to the proposed measure, they did manage to send delegates who clearly showed the State-wide injustices that would result if the State adopted the policies toward the Indians of the State cunningly encompassed in this bill.

Indians of California became full-fledged Citizens under the Treaty made with Mexico in 1848. Under century-old laws which the Indian Bureau has prevailed upon Congress to enact, and their own "regulations", the bureau holds all Indians as their "wards" or "incompetent people" and thus controls our very lives and our property. The courts in every instance rule that Indians of the State are citizens. We are taxpayers, voters and are in every way and by every test, fully as capable as the white race to take our places as responsible American citizens.

If the State of California is able to carry out the things covered in A.B. No. 1178 and actually get control of the award recently made by the Court of Claims in favor of the few remaining descendants of the legitimate owners of all the lands within the boundaries of the present State, its Legislators (and ours too) will have by that act written another dark and shameful page in the State's history. The real effect of this bill 1178 is to set up a State Indian Bureau! The State is seeking to control funds actually belonging to a group of its citizens. We are held as "wards" solely because we are Indians, and not because a court of law has so held. Own Indian people were "competent" enough to be subject to the draft laws. Yes, hundreds of our young men volunteered before their names were called! They have in every instance proved themselves equal to the best of the white race; they have done their full share in winning the victories already achieved. And, yet, a few ill-advised legislators would believe it is justified in grabbing this award.

It is eminently fair and proper to here turn the pages of our State's "history" back to 1852. The baby State just two years old, new and inexperienced, had some very intolerant (to say the least) members in the Assembly, who, when they learned that the Federal Government had just made some 18 treaties with about one-third of the Indian "nations" of the State in order to get the Indians to give up their rights in the balance of the State, passed a "resolution" calling upon the United States Senate to "not ratify the 18 treaties just made with Indians for the lands they are to keep are worth not less than one hundred million dollars." Thereupon, the United States Senate failed to ratify those solemn treaties. The Government and the State then took charge of all the Indians' lands. The treaties were hidden, and only accidentally found some 53 years later—in 1905. That act was and is the basic cause of our present pitiful condition.

#### AND HERE IS ANOTHER DARK PAGE

Then in 1934, the Legislature enacted a law (No. 1559) under which it actually created a "State Indian Bureau." The law provided for a committee of the heads of five State departments (instead of three now called for in 1178) and they were to get some \$2,000,000 from Congress out of this present award, although it was not decided by the court. The Federation learned what was done months after it became a law. We appealed to our good friend Senator Ed Fletcher, and, with his cooperation, the committee allowed us to appear and show them why the bill was not for the best interest of the Indians or the State. It was unanimously repealed, although the Indian Bureau and certain "white friends" tried to block us. The Governor signed it.

Mr. President of the State Senate and Honored Members of this great body, California surely does not need this Indian money in order to carry on its great task! It is reported the State now has several hundred million dollars in a reserve fund to meet postwar needs. We would most respectfully ask you to turn this A. B. No. 1178 down and erase forever any plan to arbitrarily take control of Indian funds or in any manner be a party to adopting measures not applicable to all other citizens. That is all Indians want:

#### EQUAL JUSTICE UNDER LAW

Do this, we earnestly beseech you, and you will thus give us encouragement in our determination to prove to all peoples by our record of achievements and loyalty to our State and Nation that we are worthy of our great forefathers, and deserve a place by your side in the tasks lying ahead! And, we sincerely believe, to honorably solve those problems, California will have to call out: "Bring me men to match my mountains"! And for my Indian people, I have spoken!

Most sincerely,

THE MISSION INDIAN FEDERATION  
By ADAM CASTILLO, President

Temporary address: No. 424 Senate Office Building.



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2136

Assembly Bill No. 2175

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 2136**—An act to add Article 19 comprising Sections 700 to 704, inclusive, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to cooperative action between the State and the Federal Government, local governments, industry, labor and agriculture for the purpose of assuring continuing full employment in a free competitive economy.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2175**—An act to add Section 6382.1 to the Revenue and Taxation Code, relating to exemptions under the Sales and Use Tax Law.

Referred to Committee on Revenue and Taxation.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 60

Assembly Joint Resolution No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Concurrent Resolution No. 60**—Relative to inviting General George S. Patton to address the California Legislature.

Above resolution ordered to third reading file.

**Assembly Joint Resolution No. 41**—Relative to Indian claims for lands taken from them by the United States without compensation.

Referred to Committee on Judiciary.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 500

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bill was read the first time:

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Referred to Committee on Finance.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 54

Senate Concurrent Resolution No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 64

Senate Bill No. 163

Senate Bill No. 248

Senate Bill No. 375

Senate Bill No. 614

Senate Bill No. 903

Senate Bill No. 1013

Senate Bill No. 1046

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 19

Assembly Bill No. 246

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 7

Senate Bill No. 179

Senate Bill No. 261

Senate Bill No. 591

Senate Bill No. 788

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 586

Assembly Bill No. 591

Assembly Bill No. 1034

Assembly Bill No. 523

Assembly Bill No. 1066

Assembly Bill No. 1067

Assembly Bill No. 1177

Assembly Bill No. 1727

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1283**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Joint Resolution No. 48**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 48**—Relative to memorializing the President and Congress to enact S. 807, providing for increases in compensation to Federal employees.

Referred to Committee on Labor.

## REPORTS OF STANDING COMMITTEES

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, May 17, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 1175

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 273**—An act to amend Section 21 of the Bank Act, relating to maintenance of surplus account;

**Senate Bill No. 274**—An act to repeal Sections 19 and 19.1 of the Bank Act, relating to the ratio of the paid-up capital and surplus to deposits required to be maintained by banks;

**Senate Bill No. 1104**—An act to amend Section 9.2 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of unemployed contained therein;

**Senate Bill No. 1105**—An act to amend Section 9.5 of the Unemployment Insurance Act, relating to unemployment insurance and the status of employers thereunder;

**Senate Bill No. 1106**—An act to amend Section 9.8 of the Unemployment Insurance Act, relating to unemployment insurance and the authorization of agents to act on behalf of employers;

**Senate Bill No. 1107**—An act to amend Section 11 of the Unemployment Insurance Act, relating to the definition of wages contained therein;

**Senate Bill No. 1110**—An act to amend Section 21 of the Unemployment Insurance Act, relating to the Unemployment Trust Fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1112**—An act to repeal Sections 22.5 and 24.5 of the Unemployment Insurance Act, relating to unemployment insurance and adjustments with the Railroad Retirement Board authorized in said act;

**Senate Bill No. 1113**—An act to amend Section 25 of the Unemployment Insurance Act, relating to the benefit payment account provided for therein;

**Senate Bill No. 1117**—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance and merit or experience rating;

**Senate Bill No. 1119**—An act to repeal Sections 44.6, 45, 45.3 and 45.4 of, and to add Section 45 to the Unemployment Insurance Act, relating to unemployment insurance, the time for reporting and penalties for delinquent payments;

**Senate Bill No. 1122**—An act to amend Section 45.6 of the Unemployment Insurance Act, relating to jeopardy assessments thereunder;

**Senate Bill No. 1124**—An act to amend Section 45.8 of the Unemployment Insurance Act, relating to the withholding of credits of a delinquent employer;

**Senate Bill No. 1127**—An act to add Section 45.12 to the Unemployment Insurance Act, relating to the release or subordination of liens;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1129**—An act to amend Section 52 of the Unemployment Insurance Act, relating to benefit payments thereunder;

**Senate Bill No. 1130**—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amounts payable thereunder;

**Senate Bill No. 1132**—An act to repeal Section 56.7 of and to add Section 56.7 and 56.8 to the Unemployment Insurance Act, relating to cooperation between State and Federal agencies, and reciprocal arrangements with foreign governments;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 68**

**Senate Bill No. 635**

**Senate Bill No. 1285**

And reports the same correctly engrossed.

SEAWELL, Chairman

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 57:** By Senator Burns—Relative to the providing of human blood and its derivatives to the people of this State.

Referred to Committee on Public Health and Safety.

## CONSIDERATION OF DAILY FILE (RESUMED)

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1057**—An act to amend Section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entry, forcible or unlawful detainer.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Cuninghame, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 957**—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

**Motion to Set Special Order**

Senator Dilworth moved that Assembly Bill No. 957 be made a special order of business for Monday, May 21, 1945, at 3 p.m.

Motion carried.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 139**—An act to amend Section 1 of "An act to add Section 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5, to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Sections 1515.1 and 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

**Motion to Reconsider Assembly Bill No. 139**

Pursuant to his motion previously made, Senator Dilworth moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 139 was passed.

The roll was called, and Assembly Bill No. 139 reconsidered by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

**NOES**—None.

Above bill ordered to third reading file.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Concurrent Resolution No. 38**—Relative to commending the Civil Air Patrol.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 321**—An act to amend Section 69 and 69a of the Civil Code and Section 10525 of the Health and Safety Code, relating to marriage.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, McCormack, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—24.

NOES—Senators Cunningham, Donnelly, Keating, and Kuchel—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 580**—An act adding Section 457 to the Health and Safety Code, relating to the duties of the county health officer.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 237**—An act to add Section 3300a to the Health and Safety Code, relating to State tuberculosis subsidies to counties.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 453**—An act to amend Section 17704 of the Health and Safety Code, relating to apartment houses and hotels.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—30.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1141**—An act to add Section 20894.5 to the Government Code, relating to the State Employees' Retirement System, and providing for contributions for persons in the military service.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 844**—An act to amend Section 698.1 of the Fish and Game Code, relating to District 22.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1050**—An act to amend Section 493 of the Fish and Game Code, relating to night fishing.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1292**—An act to amend Sections 840 and 841 of the Fish and Game Code, relating to nets.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 170**—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 984**—An act to add 459.4 to the Vehicle Code, relating to local regulation of traffic in subways, tubes, tunnels or upon bridges or viaducts.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 469**—An act to add Section 44.10 to the Vehicle Code, relating to privately owned vehicles of members of the California Highway Patrol.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2078**—An act to amend Sections 142 and 382 of the Vehicle Code, and to add Sections 39.5, 39.6 and 168 thereto, relating to special highway construction equipment and agricultural water-well boring rigs.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 937**—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to powers of credit unions.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

#### Motion to Set Special Order

Senator Crittenden moved that Assembly Bill No. 244 be made a special order of business for Monday, May 21, 1945, at 3.30 p.m.

Motion carried.

#### Secretary J. A. Beek at the Desk

**Assembly Bill No. 1616**—An act to amend Section 4653.1 of the Revenue and Taxation Code, relating to the distribution of the proceeds from the sale and redemption of tax sold and tax-deeded property.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah,



Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2003**—An act to amend Sections 3620 and 3637 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1368**—An act to amend Sections 3355, 3476, 3691 and 3693 of, and to add Chapter 2.2 comprising Sections 3450 to 3457 inclusive to Part 6, Division 1 of, the Revenue and Taxation Code, relating to property taxation, including tax sales, notice of sale of tax-sold property, sale of tax-sold and tax-deeded property at public auction, and medium of payment for tax-sold and tax-deeded property.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2060**—An act to amend Sections 1014, 1015, 1128, 1151, 1175, 1710, 1723, 1742, 1752, 1752.5, 1752.6, 1752.7, 1753, 1754, 1757, 1760, 1760.5, 1760.6, 1760.7, and 1768 of the Welfare and Institutions Code, to repeal Section 1725 thereof and to add Sections 899, 1000.7, 1725, and 1726 thereto, and to amend Section 6002 of the Penal Code, relating to the Youth Authority, redefining the organization, powers, and duties of the Youth Authority and the officers and employees thereof and the rights, liabilities, powers, and duties of other agencies and persons in relation thereto.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2184**—An act to add Section 563.1 to the Military and Veterans Code, relating to the minimum age for membership in the State Guard.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1723**—An act to add Section 7519 to the Business and Professions Code, relating to detectives.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 652**—An act to add Section 2180.1 to the Welfare and Institutions Code, relating to applications for aid to the aged.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 772**—An act to amend Section 2163.2 of the Welfare and Institutions Code, relating to aid to the aged in respect to property qualifications of applicants and recipients.

Bill read third time, and presented by Senator Brown.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1703**—An act to add Sections 3086.1, 3087.5, and 3088.5 to, the Welfare and Institutions Code, relating to aid to the needy blind, and providing for procedures and actions in relation thereto.

Bill read third time, and presented by Senator Biggar.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1958**—An act to add Section 2611 to the Welfare and Institutions Code, relating to public assistance, and providing limitations on the taking of security for aid granted to indigent persons.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

Bill read third time.

#### Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 13, and insert "to apply to: (a) Any institution classified as an educational institu—".

#### Amendment No. 2

On page 1 of said bill, between lines 18 and 19, insert

"(b) The production of forms, materials, and supplies at any State Educational or Correctional Institution under the exclusive management and control of the State and authorized by law.

(c) Any publication, printed and produced at any State Educational or Correctional Institution under the exclusive management and control of the State for the dissemination of technical or scientific information and which is sold at cost."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Jespersen moved that Senate Bill No. 160 be taken from the inactive file and placed on the second reading file.

Motion carried.

## REQUEST FOR UNANIMOUS CONSENT

Senator Kuchel asked for, and was granted, unanimous consent to have the following excerpt from the San Francisco Examiner printed in the Journal:

(Excerpt from San Francisco Examiner of May 13, 1945)

**UNCIO Urged to Study Tenney Report on Japs**  
**CALIFORNIANS BELIEVE RESULTS OF SURVEY**  
**WOULD ASSIST DELEGATES**

By RAY RICHARDS, Washington Correspondent for The Examiner

Californians are recommending that the World Security Organization, when it takes over the destiny of defeated Nations after the military occupation, have in its immediate reference files the current report of the California State Legislature's Committee on un-American activities.

While the means of defeating Japan and the method of restraining Japan in the future were arising to form the most pressing international question, the report came off the State's presses to give this summary as the result of two generations of close west coast contact with the whole Japanese problem:

*Japs Fanatics*

"The Japanese people are fanatical in their faith that they are destined to conquer the world.

"They traditionally measure time in terms of generations and centuries, and reverses and defeats in the span of a single generation are merely incidents in the sweep of time, to be expected and endured.

"They are a 'holy' race and their land is 'holy,' literally begotten of the gods.

"Their cause is 'holy' because it is divinely inspired. Ultimate victory will be theirs because the gods have divinely ordained it.

"Unless Japan is utterly crushed and broken in this war and her power to make war forever destroyed, defeat will be regarded as a temporary setback and the Japanese people will begin again to build methodically for another attempt at the destiny they believe their gods have planned for them."

*Nips in U. S.*

The report was submitted to the State Senate April 16 by Senator Jack B. Tenney, Chairman of the Joint Fact-Finding Committee, as the group's second formal treatment since the war started of the problem of the Japanese population in the United States, which the committee has charged is in large part loyal to the Japanese Emperor.

The report is being urged for especial immediate study by committees belonging to the Security Council Commission of the United Nations Conference.

Once recognized by the committees as a document of value, it would be passed on to the world organization and would become expert testimony when the future status of Japan is determined.

The west coast in general believes that status should be the closest of forcible confinement for as many generations as are needed to re-educate the whole psychology of the Japanese race.

And the knowledgeable west coast knows that if the world state treats Japan with any degree of the condonation a beaten western enemy might deserve, there will in time come another war in the Pacific which might not end as this one is ending.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Salsman, ordered printed in the Journal:

CALIFORNIA DEPARTMENT OF EMPLOYMENT  
 SACRAMENTO 14, CALIFORNIA, May 18, 1945

*Honorable Byrl R. Salsman, State Senate*  
*State Capitol, Sacramento, California*

DEAR SENATOR SALSMAN: This is in response to your request of this afternoon for information as to the effect of Senate Bill No. 615, on coverage under the Unemployment Insurance Act.

The principal difference between the definition of agricultural labor contained in Senate Bill No. 615 and that contained in the regulation of the commission as recently revised is that the definition in Senate Bill No. 615 includes as agricultural labor and accordingly exempts from the provisions of the act off-the-farm packing of fruits and vegetables. Our records indicate that the number of jobs throughout the State which are now covered and which would be exempted would average some 44,000. Taking



into consideration the turnover in such employment there are approximately 100,000 different individuals at some time during the year who earn wage credits in these jobs and of this number approximately 53,000 earn the \$300 in wage credits which make them eligible for benefits.

You asked whether we could supply figures as to the effect of this bill on coverage in Santa Clara County. From available records we estimate that some 1650 workers employed in such packing plants in Santa Clara County who are now covered by the act would be exempt under the provisions of Senate Bill No. 615.

Very truly yours,

T. H. MUGFORD, Vice Chairman  
California Employment Stabilization Commission

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 942  
Assembly Bill No. 1519

Assembly Bill No. 1571  
Assembly Bill No. 1572

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 405  
Senate Bill No. 485

Senate Bill No. 625  
Senate Bill No. 984

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 138  
Senate Bill No. 528

Senate Bill No. 843  
Senate Bill No. 844

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 40**—Relative to memorializing Congress to enact H.R. 2017, to grant to veterans certain benefits and priorities in connection with the acquisition by them of surplus property.

Referred to Committee on Military and Veterans' Affairs.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 62

Assembly Concurrent Resolution No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read the first time:

**Assembly Concurrent Resolution No. 62**—Relative to approving four certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the first day of May, 1945.

Above resolution ordered to third reading file.

**Assembly Concurrent Resolution No. 63**—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of May, 1945.

Above resolution ordered to third reading file.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 226  
Assembly Bill No. 831  
Assembly Bill No. 300  
Assembly Bill No. 1321  
Assembly Bill No. 1323  
Assembly Bill No. 1324  
Assembly Bill No. 1325  
Assembly Bill No. 1318  
Assembly Bill No. 1320  
Assembly Bill No. 1331  
Assembly Bill No. 1332

Assembly Bill No. 1315  
Assembly Bill No. 1424  
Assembly Bill No. 2040  
Assembly Bill No. 1114  
Assembly Bill No. 793  
Assembly Bill No. 1415  
Assembly Bill No. 1547  
Assembly Bill No. 1783  
Assembly Bill No. 1047  
Assembly Bill No. 802  
Assembly Bill No. 1109

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 226**—An act to amend Sections 8505, 8507, 8513, 8521, 8523, 8525, 8534, 8551, 8560, 8562 and 8674 of the Business and Professions Code, relating to the regulation of structural pest control.

Referred to Committee on Business and Professions.

**Assembly Bill No. 831**—An act to add Section 2163.6 to the Welfare and Institutions Code, relating to aid to the aged in respect to income and property qualifications of applicants and recipients.

Referred to Committee on Social Welfare.

**Assembly Bill No. 300**—An act to amend Section 512 of the Agricultural Code, relating to the pasteurization of ice cream.

Referred to Committee on Agriculture.

**Assembly Bill No. 1321**—An act to amend Sections 1649, 1652, 1678, 1679, 1691, 1691.3, 1706, 1708, 1709, 1720.1, 1808, 1810.5, 1810.7 and 1811 of the Insurance Code, to repeal Section 1708.6 of the Insurance Code, to add Sections 1678.5, 1679.1, 1690.4, 1708.7, 1709.1, 1807.7 and 1831.95 to the Insurance Code and to add to Chapter 5, Part 2, Division 1 of said code a new article to be numbered 3.5 comprising Section 1740; all relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1323**—An act to amend Sections 1691, 10310, 10333, 10334, 10339, and 10343 of the Insurance Code, and to add to Chapter 4, Part 2, Division 2 of the Insurance Code a new article to be numbered 2.5 and to be comprised of a new section numbered 10295, all relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1324**—An act to add Section 10331.5 to the Insurance Code and to amend Sections 10332, 10335, 10338, 10340, 10341, 10342 and 10344 of the Insurance Code, all relating to standard provisions for disability insurance policies.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1325**—An act to amend Section 10380 of the Insurance Code, relating to disability insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1318**—An act to amend Section 4061 and to repeal Section 385 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1320**—An act to amend Sections 1584 and 1591 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1331**—An act to amend Section 12924 of the Insurance Code, relating to the production of evidence before the Insurance Commissioner.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1332**—An act to repeal Sections 1560 and 1561 of the Insurance Code, relating to conditions of doing business applicable to foreign insurers.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1315**—An act to add Sections 1070.5, 1071.5 and 1075 to the Insurance Code, and to amend Section 1072 of said code, relating to withdrawal of insurers.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1424**—An act to amend Section 911 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 2040**—An act to amend Section 7059 of, and to add Sections 7055, 7056, 7057 and 7058 to, the Business and Professions Code, relating to contractors.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1114**—An act to add Section 1034½ to the Code of Civil Procedure, relating to additional costs in unlawful detainer proceedings.

Referred to Committee on Judiciary.

**Assembly Bill No. 793**—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

**Assembly Bill No. 1415**—An act to add Section 2222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Referred to Committee on Social Welfare.

**Assembly Bill No. 1547**—An act to amend Sections 1, 2, 5, 6, 6.5, 6.6, 16, 19, 22a, 22b, 23, 23e, 23d, 26, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 60, 67.1, 67.5 of the Alcoholic Beverage Act, relative to alcoholic beverage and to provide that this act shall go into effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1783**—An act to add Article 3, comprising Section 10540, to Chapter 6 of Part 2 of Division 2, of the Insurance Code, relating to the payment of premiums to life insurers.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1047**—An act to amend Sections 9000, 9030, 9031, 9034, 9126, 9130, 9136, 9201, 9221 and 9354 of, and to add Section 9264.5 to, the Public Resources Code, relating to soil conservation.

Referred to Committee on Natural Resources.

**Assembly Bill No. 802**—An act relating to aviation; defining terms, providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, Governmental and municipal purposes; providing for the issuance of



bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of Federal aid; authorizing joint action by municipalities and by municipalities and the State; providing for the appointment of joint boards or commissions, and granting to municipalities, or municipalities and the State, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports.

Referred to Committee on Transportation.

**Assembly Bill No. 1109**—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Referred to Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1103**—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer therein;

**Senate Bill No. 1108**—An act to amend Section 12 of the Unemployment Insurance Act, relating to the definition of week contained therein;

**Senate Bill No. 1109**—An act to amend Sections 15 and 6.5 of the Unemployment Insurance Act, relating to unemployment insurance and the election to become subject thereto;

**Senate Bill No. 1114**—An act to amend Sections 37 and 38 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions required by said act;

**Senate Bill No. 1115**—An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for protesting benefit charges;

**Senate Bill No. 1118**—An act to amend Section 44 of the Unemployment Insurance Act, relating to worker contributions required thereunder;

**Senate Bill No. 1120**—An act to repeal Section 45.2 and to amend Section 45.1 of the Unemployment Insurance Act, relating to unemployment insurance and civil action for collection of delinquencies;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1121**—An act to repeal Section 45.5 of, and to add Section 45.5 to the Unemployment Insurance Act, relating to assessments thereunder and administrative proceedings on petitions for reassessment;

**Senate Bill No. 1123**—An act to amend Section 45.7 of the Unemployment Insurance Act, relating to unemployment insurance and successors in interest under said act;

**Senate Bill No. 1125**—An act to amend Section 45.9 of the Unemployment Insurance Act, relating to recording of summary judgments;

**Senate Bill No. 1134**—An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act;

**Senate Bill No. 1135**—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants;

**Senate Bill No. 1136**—An act to amend Sections 75, 90, 81 and 89 of the Unemployment Insurance Act, relating to unemployment insurance and the administration of said act;

**Senate Bill No. 1137**—An act to amend Sections 66, 70, 71 and 72 of the Unemployment Insurance Act, relating to unemployment insurance and proceedings on disputed claims;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1945, at 3 p.m.

SEAWELL, Chairman

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 67

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

**ADJOURNMENT**

At 4.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, May 21, 1945.

JOHN F. LEA, Minute Clerk

# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

SEVENTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 21, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:  
Senator Keating, on motion of Senator Seawell, account of illness.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry W. Churchman of San Diego, president, and Hazel E. Frasse of Del Mar, secretary-manager, of 22nd District Agriculture Association.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pfc. James V. Murray of Miami, Florida.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William H. Keesling of San Francisco.

## COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SACRAMENTO CHAMBER OF COMMERCE, May 21, 1945

*Honorable Lt. Governor Frederick F. Houser,  
State Capitol  
Sacramento, California.*

MY DEAR MR. HOUSER: Will you kindly extend to the Members of the Senate and their wives a cordial invitation to be guests of the Members of the Sacramento Chamber of Commerce at a "Lawn Party" to be held on the Capitol grounds, opposite the Senator Hotel, Friday evening, June 1st. Beginning at 6 o'clock refreshments, liquid and solid, will be served followed by appropriate entertainment.

A similar invitation is being extended to the Members of the State Assembly and Members of the Governor's Cabinet, together with their wives.

Individual invitations will be extended to all guests within the next few days; however, we will appreciate your making an announcement to the Senate immediately so that they will be in a position to accept and to be present.

Sincerely,

W. H. HAINES, President  
A. S. DUDLEY, Secretary-Manager.

[SEAL]

## REPORTS OF STANDING COMMITTEES

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1386

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1123

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 28

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 75

Senate Constitutional Amendment No. 6

Senate Bill No. 530

Senate Constitutional Amendment No. 7

Senate Bill No. 1078

And reports the same correctly engrossed.

SEAWELL, Chairman



**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 7**—An act to add Section 162 to the Agricultural Code, relating to the destruction of predatory animals and the use of methods and devices intended for that purpose.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 7?

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "land", insert "which is outside the incorporated limits of any city or city and county and which is".

**Amendment No. 2**

On page 1, line 6, of said bill, after "known as a", insert "coyote gun or".

**Amendment No. 3**

On page 1 of the printed bill, as amended, strike out lines 3 to 5, inclusive; and in line 6, strike out "entitled to graze his", and insert

"162. For the purpose of killing coyotes outside of the incorporated area of any city or city and county, any livestock raiser may use upon land upon which he is grazing".

**Amendment No. 4**

On page 1, line 8, of said bill, strike out "or coyote-getter. A coyote-getter", and insert ". A coyote gun".

**Amendment No. 5**

On page 1, line 10, of said bill, strike out "an animal", and insert "a coyote".

**Amendment No. 6**

On page 1, line 12, of said bill, strike out "or face".

**Amendment No. 7**

On page 1 of said bill, strike out lines 13 and 14, and insert "this section and other applicable provisions of law shall be lawful."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 7 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 179**—An act to amend Sections 10137, 10162, 10176, 10200, 10208, 10213, 10258, 10285, 10301, 10320, 10328, 10333, 10386, 10401, 10420, 10427, 10432, 10460, 10461, 10525, 10561, 10580, 10588, and 10593 of, and to add Sections 10080.5, 10141, 10142, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 179?

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "10162," insert "10176,".

**Amendment No. 2**

Strike out line 2 of the title of said bill, and insert "10258, 10285, 10301, 10320, 10328, 10333, 10386, 10401, 10420, 10427,".

**Amendment No. 3**

In line 3 of the title of said bill, after "10525," insert "10561,".

**Amendment No. 4**

In lines 4 and 5 of the title of said bill, strike out "10141, 10142, 10143, 10144, 10145, 10146," and insert "10080.5, 10141, 10142,".

**Amendment No. 5**

In line 6 of the title of said bill, strike out "10264, 10265, 10266, 10267,".

**Amendment No. 6**

On page 2, line 21, of said bill, strike out "Liability of such broker", and insert "The obligation of such broker, as provided in this section, to furnish such information".

**Amendment No. 7**

On page 2 of said bill, strike out lines 25 to 50, inclusive; and on page 3, strike out lines 1 to 21, inclusive, and insert

"10142. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell real estate for compensation or commission, such licensee shall deliver a copy of such agreement to the person signing same. Receipt for said copy may be made on the face of said agreement.

SEC. 4. Section 10176 of said code is amended to read:

10176. The commissioner may, upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this State, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee within the immediately preceding three years, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.
- (d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) *The practice of claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.*

(g) *The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange real estate for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.*

(h) *The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensees to sell, buy, or exchange real estate for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.*

(i) *Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.*

SEC. 5. Section 10301 of said code is amended to read:

10301. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a business opportunity licensee, within this State, and he may temporarily suspend or permanently revoke a business opportunity license at any time if the licensee, within the immediately preceding three years, while a business opportunity licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through business opportunity agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) *The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.*

(g) *The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidence by documents in an escrow or by any other or different procedure.*

(h) *The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange a business, business opportunity, or interest therein, for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.*

[(f)] (i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 6. Section 10401 of said code is amended to read:

10401. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a cemetery licensee, and he may temporarily suspend or permanently revoke a license at any time where the licensee, within the immediately preceding three years, while a cemetery licensee in performing or attempting to perform any of the acts specified in this chapter, has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false statement of a character likely to influence or persuade.

(c) A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) *The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange cemetery property for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.*

(g) *The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange cemetery property for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.*

(h) *The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange cemetery property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.*

[(f)] (i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

The misrepresentations and false statements mentioned in this section include also misrepresentation and false statements as to other property than that which the cemetery licensee may be selling or attempting to sell.

SEC. 7. Section 10561 of said code is amended to read:

10561. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a mineral, oil and gas licensee, within this State, and he may temporarily suspend or permanently revoke a mineral, oil and gas license at any time if the licensee, within the immediately preceding three years, while a mineral, oil and gas licensee, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of any of the following:

(a) Making any substantial misrepresentation.



(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through mineral, oil and gas brokers or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) *The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.*

(g) *The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidence by documents in an escrow or by any other or different procedure.*

(h) *The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.*

[(f)] (i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing."

#### Amendment No. 8

On page 5, lines 47 and 48 of said bill, strike out "Liability of such broker", and insert "The obligation of such broker, as provided in this section, to furnish such information".

#### Amendment No. 9

On page 6 of said bill, strike out lines 2 to 51, inclusive; and on page 7, strike out lines 1 to 14, inclusive, and insert

"10263. (a) At the time a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission, such licensee shall deliver a copy of such agreement to the person signing same.

(b) No agreement authorizing or employing a broker to sell, or offer for sale, to rent, or offer to rent, to collect rent, or to list or offer to list, or to buy, or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein, the good will of an existing business shall contain an option provision which authorizes the broker to purchase such business, business opportunity, or interest therein, or such good will."

#### Amendment No. 10

On page 7, line 15, of the printed bill, as amended, strike out "26", and insert "22".

#### Amendment No. 11

On page 7, line 25, of said bill, strike out "27", and insert "23".

#### Amendment No. 12

On page 7, line 32, of said bill, strike out "28", and insert "24".

#### Amendment No. 13

On page 7, line 41, of said bill, strike out "29", and insert "25".

#### Amendment No. 14

On page 7, line 49, of said bill, strike out "30", and insert "26".

#### Amendment No. 15

On page 8, line 5, of said bill, strike out "31", and insert "27".

#### Amendment No. 16

On page 8, line 21, of said bill, strike out "32", and insert "28".

#### Amendment No. 17

On page 8, line 27, of said bill, strike out "33", and insert "29".

#### Amendment No. 18

On page 8, line 36, of said bill, strike out "34", and insert "30".



**Amendment No. 19**

On page 8, line 45, of said bill, strike out "35", and insert "31".

**Amendment No. 20**

On page 9, line 7, of said bill, strike out "36", and insert "32".

**Amendment No. 21**

On page 9, line 16, of said bill, strike out "37", and insert "33".

**Amendment No. 22**

On page 9, line 24, of said bill, strike out "38", and insert "34".

**Amendment No. 23**

On page 9, line 32, of said bill, strike out "39", and insert "35".

**Amendment No. 24**

On page 9, line 34, of said bill, strike out "40", and insert "36".

**Amendment No. 25**

On page 9 of said bill, strike out lines 36 to 51, inclusive; and on page 10, strike out lines 1 to 13, inclusive, and insert

"(a) 'Military licensee' refers to any person who, while licensed under the Real Estate Law, or any of the statutes codified therein, entered the military service of the United States and notifies the commissioner of that fact upon resuming business or within one year following termination of military service, whichever is earlier."

**Amendment No. 26**

On page 10, line 20, of said bill, after "Federal service", insert "after October 1, 1940,".

**Amendment No. 27**

On page 10 of said bill, strike out lines 28 to 34, inclusive.

**Amendment No. 28**

On page 10, line 35, of said bill, strike out "41", and insert "37".

**Amendment No. 29**

On page 10 of said bill, strike out lines 36 to 41, inclusive, and insert

"10461. A military licensee shall not be required to renew his license under this part until the beginning of the license period which first commences (a) after his again engaging in business, or (b) after one year following termination of military service, whichever is the earlier."

**Amendment No. 30**

On page 10, line 42, of said bill, strike out "42", and insert "38".

**Amendment No. 31**

On page 10 of the printed bill, as amended, strike out lines 46 to 48, inclusive, and insert "by affirmative act, remains in the military service for more than six months following termination of all wars in which the Nation is now engaged."

**Amendment No. 32**

On page 10, line 49, of said bill, strike out "43", and insert "39".

**Amendment No. 33**

On page 11, line 13, of said bill, strike out "44", and insert "40".

**Amendment No. 34**

On page 11, line 19, of said bill, strike out "45", and insert "41".

**Amendment No. 35**

On page 11, line 28, of said bill, strike out "46", and insert "42".

**Amendment No. 36**

On page 11, line 37, of said bill, strike out "47", and insert "43".

**Amendment No. 37**

On page 11 of said bill, after line 42, insert

SEC. 44. Section 10080.5 is added to said code, to read:

10080.5. In the event the commissioner employs the services of an agency engaged in the business of furnishing credit reports, such agency shall have been engaged in such business continuously in this State for a period of not less than five years prior to the time of such employment."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 179 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 591**—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 591?

##### Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "issued", and insert "issue".

##### Amendment No. 2

On page 2, line 1, of the printed bill, as amended, strike out "must".

##### Amendment No. 3

On page 1, line 21, of the printed bill, as amended, strike out "either an".

##### Amendment No. 4

On page 1, line 22, of said bill, strike out "operator or an apprentice airplane pest control", and insert "operators".

##### Amendment No. 5

On page 1 of said bill, strike out lines 23 to 25, inclusive; and strike out page 2.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 591 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Slater, Sutton, Swing, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 984**—An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 984?

##### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "sold", insert ", or that of said corporation,".

##### Amendment No. 2

On page 1, line 9, of said bill, after "will", insert "or shares".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 984 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.  
Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "to", insert "loans, charges and".

**Amendment No. 2**

On page 1, line 11, of said bill, strike out "charge and".

**Amendment No. 3**

On page 1 of said bill, strike out line 12.

**Amendment No. 4**

On page 1, line 13, of said bill, strike out "or less", and insert "charges therefor in advance or otherwise".

**Amendment No. 5**

On page 2 of said bill, strike out lines 7 to 27, inclusive, and insert "Third—The term "charges" as used in this act, includes the aggregate interest, fees, bonuses, commissions, brokerage, discounts, expenses, and other forms of costs charged, contracted for, or received by an industrial loan company or any other person in connection with the investigating, arranging, negotiating, procuring, guaranteeing, making, servicing, collecting and enforcing of a loan or forbearance of money, credit, goods or things in action, or any other service or services rendered."

**Amendment No. 6**

On page 2 of said bill, on lines 28 and 29, strike out "interest, brokerage and all other".

**Amendment No. 7**

On page 3 of said bill, between lines 16 and 17, insert "The term "unpaid principal balance" as used in this act shall mean the net amount of money, credit, goods or things in action received by the borrower at the time of entering into the transaction and the decreasing balances thereof after application in accordance with the provisions of this act of each payment made on the obligation."

**Amendment No. 8**

On page 3, line 41, of said bill, strike out "and such purchase, sale or", and insert a period.

**Amendment No. 9**

On page 3 of said bill, strike out lines 42 to 47, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**Senate Bill No. 1175**—An act to amend Sections 11b and 22 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Sections 11b and 22", and insert "Section 11b".

**Amendment No. 2**

On page 4 of said bill, strike out lines 1 to 17, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 67**—An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 2, line 29, of the printed bill, as amended, after the period insert "The board may enter into such contracts with the United States or any agency thereof, with public districts or agencies of this State, or with veterans, or with any or all thereof, as may be necessary to carry out the provisions of this chapter."

##### Amendment No. 2

On page 3 of said bill, strike out lines 1 to 5, inclusive, and insert "997.6. This article shall be supplementary to the provisions of the Veterans Farm and Home Purchase Act of 1943."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 160**—An act relating to the regulation of the practice of naturopathy.

Bill read second time, ordered engrossed, and to third reading.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1201** An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom:

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on April 20, 1945, be further amended as follows:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "6307", and insert "6901".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "6307", and insert "6901".

##### Amendment No. 3

On page 1 of said bill, strike out line 3, and insert "6901. All applications made to the commission pursuant to this article for erection".

##### Amendment No. 4

On page 1, lines 5 and 6, of said bill, strike out "under Sections 6303 or 6321 or other section hereof".

##### Amendment No. 5

On page 1, lines 7 and 8, of said bill, strike out "Director of Natural Resources, who shall cause the Beach Erosion Control Engineer of the".



**Amendment No. 6**

On page 1, line 9, of said bill, strike out "thereon"; and strike out line 10 and insert "whenever the commission determines that the action proposed in such application would interfere with the recreational use of lands littoral to tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission."

**Amendment No. 7**

On page 1, line 21, of said bill, after "gas", insert "or other hydrocarbon substances".

**Amendment No. 8**

On page 2, line 3, of said bill, after the period insert "No such permit or lease shall be issued by the commission until it has been submitted to the Attorney General and has been approved by him as to compliance with the applicable provisions of law and of the rules and regulations of the commission."

**Amendment No. 9**

On page 2, line 25, of said bill, after "gas", insert "or other hydrocarbon substances".

CUNNINGHAM

DeLAP

BIGGAR

Senate Committee on Conference

SHERWIN

BECK

CLARKE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, and Weybret—30.

**NOES**—None.

**MOTION TO CONSIDER ASSEMBLY BILL NO. 272**

Senator DeLap moved that the Senate refer to Assembly Bill No. 272, on the Assembly third reading file, for the purpose of passage.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

**NOES**—Senators Biggar, and Carter—2.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

### THIRD READING OF SENATE BILLS

**Senate Bill No. 380**—An act to amend Section 6362 of the Revenue and Taxation Code, relating to retail sales and use taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 28**—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to a system of unemployment reserves.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 153**—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 and to repeal Section 501 of the Agricultural Code, relating to inspection of milk and milk products.

Bill read third time.

#### Motion to Amend

Senator Biggar moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, as amended, between lines 16 and 17, insert

"The director shall employ the necessary qualified inspectors to make the required inspections and may employ on a part-time basis any qualified inspector of an approved milk inspection service to make such inspections when the work of the approved milk inspection service is insufficient to require the full time of such inspector. The director may contract with approved laboratories, whether publicly or privately operated, for the performance of clinical and bacteriological determinations on milk samples when in his judgment it is necessary or desirable so to do."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

### CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 615 was taken up.

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

#### Motion to Amend

Senator Desmond moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 26, inclusive; and on page two strike out lines 1 to 17, inclusive and insert

"(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural

commodity ; the raising, feeding, and management of livestock, poultry and bees ; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto ;

(b) In the employ of the owner or tenant of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials.

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm.

(d) The provisions of paragraphs (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said paragraphs applicable to services performed in commercial canning or commercial freezing.

(e) As used herein, the term "farm" includes among others, stock, dairy, poultry, fruit and truck farms ; plantations, ranches, ranges, nurseries, orchards and vineyards.

(f) Forestry and lumbering are not included within the exemption of agricultural labor."

Amendment read.

#### MOTION FOR COMMITTEE OF THE WHOLE

Senator Desmond moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 615.

#### Motion to Lay on Table

Senator Hatfield moved that the motion by Senator Desmond be laid on the table.

#### Roll Call Demanded

Senators Desmond, Mayo, and Salsman demanded a roll call.

The roll was called, and the motion to lay on the table lost by the following vote :

AYES—Senators Crittenden, Dilworth, Hatfield, Hulse, Kuchel, McCormack, Mixer, Parkman, Powers, Sutton, and Weybret—11.

NOES—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Mayo, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—23.

The question being on the motion by Senator Desmond that the Senate resolve itself into a Committee of the Whole.

#### Motion to Amend

Senator Kuchel moved that the motion by Senator Desmond be amended as follows :

That the Senate resolve itself into a Committee of the Whole on Tuesday, May 22, 1945, for the purpose of considering Senate Bill No. 615, and the same be set as a special order for 2.30 p.m.

Motion carried.

The question being on the motion by Senator Desmond, as amended by Senator Kuchel.

Motion carried.

#### CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, Assembly Bill No. 957 was taken up.

**Assembly Bill No. 957**—An act to repeal Chapter 1085 of the Statutes of 1943 ; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature ; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code ; and to add Chapter 13.5 to

Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing Tenney Ward, and Weybret—36.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted unanimous consent to have the following information concerning Assembly Bill No. 500 printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE, May 21, 1945

*Honorable W. P. Rich, Chairman*

*Senate Finance Committee, Sacramento, Calif.*

SUBJECT: ASSEMBLY BILL NO. 500—THE BUDGET BILL, AS PASSED BY THE ASSEMBLY

DEAR SENATOR RICH: Section 34a of Article IV of the State Constitution provides that appropriations from the General Fund of the State for any biennium, exclusive of appropriations for support of the Public School System, shall not exceed by more than five per cent the appropriations from said fund, exclusive of such public school appropriations, for the preceding biennium unless two-thirds of all of the Members elected to each house of the Legislature vote in favor thereof.

This section of the Constitution also provides that no amount appropriated in excess of such five per cent in any biennium shall become a part of the base for determining the maximum appropriation for a succeeding biennium. In other words, since 1935, when this section first became effective so far as the Budget Bill is concerned, the maximum appropriations which could be withdrawn from the General Fund by only a majority vote could not exceed by more than five per cent per biennium, compounded biennially, the appropriations for the biennium ending June 30, 1935, exclusive of the appropriations for support of the Public School System.

This section of the Constitution provides further that should the appropriations in the Budget Act for any biennium exceed the limitations therein prescribed, and such Budget Act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriations bears to the total appropriation.

Fixed charges and recurrent appropriations for 1945-47 already on the statute books prior to the enactment of the 1945 Budget Bill (Assembly Bill No. 500), exclusive of the appropriations for support of the Public School System, amount to \$132,894,949. This sum exceeds the maximum allowable under the five per cent limitation by \$33,536,074.

In view of this excess of fixed charges and recurrent expenditures over the allowable maximum, none of the appropriation items in Assembly Bill No. 500 payable from the General Fund, other than Items 77 and 78, and Items 79.5 to 102.6, inclusive, which are for support of the Public School System, can be made effective without a two-thirds vote of both houses of the Legislature. Therefore, should Assembly Bill No. 500 be passed by the Assembly with less than a two-thirds vote, all items of General Fund appropriations except those for support of the Public School System mentioned above will be completely null and void. Appropriations contained in the Budget Bill



payable from special funds, however, will not be affected. Such items of appropriation are not subject to the five per cent limitation. Only a majority vote is required to pass them.

Since Assembly Bill No. 500 was passed by the Assembly and sent to the Senate with less than the two-thirds vote, there is *no available appropriation* in the next biennium for support of the State institutions, State prisons, the several departments of State Government, the constitutional officers, the Board of Equalization, or any other State agency which obtains its appropriation for support from the General Fund through the Budget Bill. There are no appropriations for support of the Legislature except Items 4 and 9 for salaries, which probably under the provisions of the Constitution are continuing appropriations.

The Attorney General has held in a previous opinion that should the Budget Bill as passed by the Assembly with less than a two-thirds vote be amended in the Senate and passed with a two-thirds vote by that body, and the Assembly in concurring in the Senate amendments does so by a two-thirds vote, the failure of the Assembly in the first instance to have passed Assembly Bill No. 500 by a two-thirds vote would then be remedied, and the appropriations in the Budget Bill payable from the General Fund will be effective without reduction.

For your information, I am enclosing a statement showing the computation of the five per cent limitation prescribed by the constitutional provision.

Yours very truly,

JAMES S. DEAN, Director of Finance

COMPUTATION OF EXCESS AMOUNT OF GENERAL FUND APPROPRIATIONS  
FOR 1945-1947 BIENNIUM

OVER MAXIMUM AMOUNT ALLOWABLE UNDER  
5 PER CENT CONSTITUTIONAL LIMITATION  
(Art. IV, Sec. 34a)

	<i>Fixed charges and Recurrent appropriations</i>	<i>Budget Bill (A.B. No. 500) as amended May 16, 1945</i>	<i>Total appropriations</i>
1. General Fund appropriations for 1945-1947 Biennium -----	\$337,896,643	\$167,100,677	\$504,997,320
2. Less appropriations for support of Public School System -----	205,001,694 <sup>a</sup>	16,435,949 <sup>b</sup>	221,437,643
3. Net total of appropriations subject to 5 per cent limitation -----	\$132,894,949	\$150,664,728	\$283,559,677
4. Less maximum appropriations for 1945-1947, exclusive of public school support, allowable under 5 per cent limitation (Schedule 1) -----	99,358,875	—	99,358,875
5. Excess of General Fund appropria- tions for 1945-1947 over maxi- mum allowable under 5 per cent limitation -----	\$33,536,074	\$150,664,728	\$184,200,802

Notes

<sup>a</sup> Vocational Education—Supervision and teacher training -----	\$165,000
Vocational Rehabilitation -----	360,000
State Colleges—Student fees -----	446,970
California Polytechnic School—Student fees -----	21,750
California Maritime Academy—Student fees -----	86,592
Elementary school apportionment -----	135,169,000
High school apportionment -----	65,021,000
Junior college apportionment -----	3,182,000
Vocational Education—Reimbursement to school districts -----	549,382

Total

-----	\$205,001,694
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<sup>b</sup> Items 77-78 and 79.5 to 102.6, inclusive.

## SCHEDULE 1

COMPUTATION OF MAXIMUM APPROPRIATIONS FROM THE GENERAL FUND  
FOR THE BIENNIUM 1945-1947

## Exclusive of Appropriations for Support of the Public School System

Under the Five Per Cent Limitation Imposed by Section 34a  
of Article IV of the Constitution

Appropriations from the General Fund for the Biennium 1933-35:			
Fixed charges and recurrent appropriations-----		\$164,147,591	05
Budget Bill—Chapter 278, Statutes of 1933-----		50,171,009	52
Special appropriations			
1933 appropriation-----	\$1,949,149	72	
1934 special session appropriations-----	2,500	00	
1935 appropriations (to meet deficiencies in 1933 appropriations)-----	1,093,609	78	3,045,259 50
Total Appropriations for 1933-1935 Biennium-----		\$217,363,860	07
Deduct appropriations for support of the			
Public School System-----		143,220,737	68
Appropriations Exclusive of Support of			
Public School System-----		\$74,143,122	39
Add: Five per cent thereof-----		3,707,156	12
Maximum appropriations for 1935-1937-----		\$77,850,278	51
Add: Five per cent thereof-----		3,892,513	93
Maximum appropriations for 1937-1939-----		\$81,742,792	44
Add: Five per cent thereof-----		4,087,139	62
Maximum appropriations for 1939-1941-----		\$85,829,932	06
Add: Five per cent thereof-----		4,291,496	60
Maximum appropriations for 1941-1943-----		\$90,121,428	66
Add: Five per cent thereof-----		4,506,071	43
Maximum appropriations for 1943-1945-----		\$94,627,500	09
Add: Five per cent thereof-----		4,731,375	00
Maximum appropriations for 1945-1947-----		\$99,358,875	09

May 19, 1945

Memo to: Honorable W. P. Rich, Chairman of Senate Finance Committee

From: Rolland A. Vandegrift, Legislative Auditor

Subject: The Present Status of Assembly Bill No. 500

Assembly Bill No. 500 passed the Assembly by a vote of 44 ayes and 33 noes which is less than the two-thirds vote necessary to authorize expenditures from the General Fund in excess of the five per cent limitation placed by the Constitution in 1935.

Since the appropriations from the General Fund already exceed this limitation by some \$33,000,000 only the appropriations in the Budget Bill for education, amounting to \$16,435,000 from the General Fund, could be made effective. The remainder, or \$150,664,738, will automatically be non-effective under the constitutional limitation above noted, unless the Senate passes the Budget Bill by the necessary two-thirds vote, and the amendments thereto and the bill itself is finally concurred in by a two-thirds vote of the Assembly.

Any special appropriation bill from the General Fund which was not approved by a two-thirds vote of both houses, which increases the appropriation from the General Fund beyond the constitutional limitation, likewise will be null and void.

This session of the Legislature approved increasing the aid to the aged from \$40 to \$50 per month. This passed both houses by a unanimous vote and is therefore not affected by this situation.

Memo to: Honorable W. P. Rich, Chairman of Senate Finance Committee

From: Rolland A. Vandegrift, Legislative Auditor

Subject: Controls in Assembly Bill No. 500 Removed by Floor Amendments in the Assembly.

By floor amendments in the Assembly the controls on expenditures were removed in the following places:

Item 111—For the Support of the Board of Equalization.

The item was restored to the original amount of \$1,495,991. The sum of \$69,535 for salaries for unfilled positions was put back into the appropriation and this amount was deleted from Item 276.5 for the Salary Restoration Fund.

Item 112—Board of Equalization, for the support of the Retail Sales Tax Division.

The item was restored to the original amount of \$6,626,112. \$625,063 for salaries for unfilled positions was put back in the appropriation and this amount was deleted from Item 276.5, the Salary Restoration Fund.

Item 113—Board of Equalization, for the support of the Alcoholic Beverage Control Division.

This was restored to the original amount of \$2,796,301 which included \$71,960 for vacant positions transferred to the Salary Restoration Fund, Item 276.5, this latter fund being reduced by this amount. The remainder or net reduction was \$91,631 which represented a cut that was restored.

Item 114—Board of Equalization, for the support of the Motor Vehicle Fuel Tax Division.

This was restored to the original amount of \$396,330, and the special category (a.a) in the sum of \$22,980 was eliminated, and this sum was restored to category (a) Salaries and Wages, increasing it to \$302,295.

Item 187—For the support of the Motor Vehicle Department.

In this item there was exempted, from positions that could only be filled by re-employment of employees of the Highway Patrol, district traffic inspectors, traffic captains, and traffic sergeants, thus making it possible to fill these positions by new employees on a permanent basis.

Item 187.2—For salaries and wages of California Highway Patrolmen who returned from military leave.

In this item, the limitation was stricken out which provided that this appropriation shall not be used until after traffic officers employed since January 1, 1942, who have not been in military service, were replaced by veterans. This amendment would make it possible to increase the Highway Patrol staff by 200 employees, and would make it possible to retain all the present staff and use the appropriation in Item 187 to employ additional personnel, and use the appropriation in Item 187.2 to re-employ all personnel on military leave. This has the effect of increasing the potential spending of the Motor Vehicle Department by \$684,000 although it does not actually increase the Budget, for this amount was included with the controls mentioned.

May 19, 1945

Memo to: Hon. W. P. Rich, Chairman of Senate Finance Committee

From: Rolland A Vandegrift, Legislative Auditor

Subject: Principal Increases Made in Assembly Bill No. 500 by Floor Amendments Other Than the Removal of Controls

1. The largest increase in Assembly Bill No. 500 by floor amendments is in Item 276.6, the Salary Increase Fund for General Fund agencies at the rate of \$25 per month for all employees. For the General Fund the appropriation is \$10,940,322. The general provision in this item for the special fund agencies would require approximately \$8,000,000 more, making a total of around \$19,000,000.

2. The sum of \$96,300 was added to Item 178 for the support of the Department of Justice for the employment of 10 narcotic agents.

3. In Item 228, for the support of the Department of Public Health, \$119,530 was restored which represented a reduction made by the Ways and Means Committee, thus allowing an increase of 39.6 per cent for this department.

4. Item 28, for the support of the Governor's residence, was increased by \$12,000.

5. Item 68, for the support of Preston School of Industry. \$4,920 was added to provide the necessary amount for two full-time Chaplains. They already have two on half time. It was agreed that these Chaplains should likewise serve the forestry camps that might be established from Preston.

6. Item 185, for veterans claims and rights service. Increased by \$150,000 to \$300,000. There is no particular control on this expenditure. It is suggested that controls should be placed on it.

May 19, 1945

Memo to: Hon. W. P. Rich, Chairman of Senate Finance Committee

From: Rolland A Vandegrift, Legislative Auditor

Subject: Controls Amended Into Assembly Bill No. 500 on the Recommendation of the Ways and Means Committee.

While the Budget as it was introduced in Assembly Bill No. 500 called for an expenditure of \$683,710,643, the amended bill as it came from the Ways and Means Committee to the Assembly increases this by \$71,382. This increase results from the numerous adjustments that have been made. These adjustments in appropriations, both upward and downward, reduce some appropriations materially—such as the reduction in the appropriation for the State Guard and for the Motor Vehicle Department, in an endeavor to hold expenditures to income. In other instances additions were made where conditions changed subsequent to the making of the Governor's Budget, or where added service appeared desirable, and in other instances where salary increases approved by the Personnel Board required more money.

More important than actual reductions in the Budget are the numerous budgetary controls actually set up in the appropriation bill itself. These controls, which are now actually spelled out, impose an obligation on the Administration and particularly



on the Department of Finance to follow certain lines of procedure which will require strict economy, and all of them together should result in a saving of some 15 to 20 millions of dollars. I would like to explain these controls so that you will see their significance and understand their effect and their potential results. The legislative intent as respects the exercising of these controls has been definitely stated and a record of the deliberation of the Ways and Means Committee has been preserved in a full report of a court reporter. This report will be available to demonstrate just what was intended in establishing the controls in the Budget Bill.

During the current biennium, by exercising budgetary control, a saving which may reach twenty millions of dollars has been made. This was accomplished by making effective the legislative intent as was promised by the Administration when the Ways and Means Committee discussed with the Chief Executive the proposition of establishing a "line item" Budget, or at least a Budget Bill with categorical controls.

#### *The Several Controls Explained*

The Governor, in his Budget Message, stated that he believed that the categorical controls could be administered without undue complications. The Ways and Means Committee considered this matter carefully and determined that since something over 60 per cent of the entire State Budget is for salaries and wages, it felt that if a control which is effective could be established over salaries and wages, a large portion of the Budget problem would be solved. During its attention to this matter, the committee concluded that it would be wise to re-establish the categorical schedules for each appropriation item, similar to that which appeared in the Budget Bill of 1941. The three categories will be found in your amended bill for each General Fund appropriation as follows: (a) salaries and wages, (b) operating expense, (c) equipment. In addition, where it appears, there will be a fourth item, capital outlay, which was already set up in the original bill. In the case of Special Funds, you will find an additional item, indicated by (a.a) and entitled "Salary Restoration." In the case of the General Fund, the salary restoration item has been consolidated and it appears in your appropriation bill as Item 276.5. The effect of this will be explained following our explanation of the categorical controls.

It is provided in Section 2.5, page 69 of your appropriation bill, just how categorical controls will operate. In short, it is provided that these categories limit the amount of money to be spent from each appropriation for these several purposes, and it further ties them fast to the amount set up in the Governor's Budget document itself.

Section 2.6 provides that a transfer from one category to another cannot be made except on the approval of the Director of Finance. The Director of Finance shall report to the Joint Legislative Budget Committee all authorizations for such transfers. We believe that this provision alone will result in producing material savings.

#### *Salary Savings*

Since expenditures for salaries and wages make up approximately 60 per cent of the entire Budget, the Ways and Means Committee believed that direct control of a considerable portion of salaries and wages would result in an effective control of the entire Budget. For this reason the committee adopted a procedure for the taking out of all the General Fund money required for vacant positions to be carried forward for the coming biennium, and they set up in Item 276.5 a Salary Restoration Fund. This is in the sum of \$2,772,320.

For Special Funds they set up the categorical division (a.a.) in the schedule for each item of appropriation. The total of these individual items and the General Fund Salary Restoration item will approximate \$5,000,000.

In this instance this money cannot be spent until the Department of Finance is satisfied that it is necessary and desirable to fill the vacant position. Furthermore, in Section 5 of the appropriation bill, an additional control is established over salaries and wages by providing for the setting up of a Salary Savings Reserve which will accumulate for each quarter from the appropriations remaining unexpended for the quarter for salaries and wages. Transfers from the Salary Savings Reserve by the Director of Finance shall be approved only after the department is satisfied that the allotment to be recommended is insufficient to meet necessary expenditures for salaries and wages.

It is likewise provided in Section 5.5 that the Director of Finance shall report to the Legislature through the Joint Legislative Budget Committee for each quarter the condition of the Salary Savings Reserve Fund, showing all authorizations for transfer during the preceding quarter.

It is further provided that no money in any Salary Savings Reserve may be expended to pay increases in salary ranges unless prior approval has been secured from the Department of Finance.

#### *Filling of Positions Limited*

We also call attention to the fact that vacant positions can not be filled either in General Fund or in Special Fund agencies by merely making a request. The filling of vacant positions is limited by the fact that the language in Item 276.5, lines 26 to 35, wherein it is required that the various agencies of the State shall demonstrate to the satisfaction of the Department of Finance that it is necessary



and desirable to fill vacant positions and the agencies shall substantiate such requests by presentation of such work load statistics, analysis of available man hours, and other information, as the Department of Finance may require.

#### *Control of Personnel Limits Other Expenditures*

It is accepted by the Department of Finance as a matter of budgetary control that if personnel is held down there will be corresponding savings in operating expense items. Money not needed for travel and other operating expense, for the reason that personnel is not hired, will be held as surplus in the several departmental accounts.

#### *Purchase of Motor Vehicles Limited*

A new section has been placed in the Budget Bill, No. 56, which definitely provides that no purchase order for the acquisition or replacement of motor vehicles shall be issued against any appropriation made by the Budget Bill until the Department of Finance has investigated and established the necessity therefor.

Also, an amendment has been added to Item 250 which appropriates \$200,000 to the Department of Finance for the purchase and operation of motor vehicles for the several General Fund agencies. This amendment provides that in lieu of allocating funds from this item, the Department of Finance may supply transportation service. This will make it possible to eliminate some of the abuse in the use of automobiles and to operate a general transportation pool if found desirable.

#### *Other Specific Limitations*

There are a number of other lesser specific limitations amended into A.B. No. 500. Trustees for the Institution for Women—In Item 57 the expenditure for the per diem for the Board of Trustees for the Institution for Women has been limited.

Vocational Rehabilitation—In Item 78 the transfers from this appropriation have been limited to the amounts necessary to meet the State's matching requirement under the Federal Act.

Motor Vehicle Department—In Item 187 for the support of the Department of Motor Vehicles, an amendment has been inserted which provides that vacancies in the Highway Patrol can be filled only re-employment of the members of the Patrol who return from military leave or by duration appointment. This will mean that any jobs available, including the present twenty vacancies, will be available for returning military personnel.

Item 187.5 was drawn to meet a possible deficit in the Motor Vehicle Support Fund. This provision makes a loan from the State Highway Fund share of the Motor Vehicle Fund, but specifically limits the transfer and requires a repayment.

Public Shooting Grounds for the Fish and Game Commission—Item 198 appropriates \$674,000 for the acquisition of lands for a public shooting grounds. In order to protect the taxpayers of the counties wherein such property might be secured, a provision is written into the appropriation item that no acquisition shall be made until the board of supervisors of the counties in which such lands are situated approves the same, and provides further that there shall be paid to each county for such real property acquired an amount equivalent to the taxes that would be paid on such property.

Division of Forestry—Specific controls have been placed over a number of appropriations for the Division of Forestry. For example, a new Item, 200.5, has been set up for the operation of the Forestry Work Camps. For the first specific allotment to the cooperating counties for the prevention and suppression of fire has been set up according to a schedule in Item 201. These counties will now know definitely the amount of money they are to receive and the method whereby additional funds allocated on the basis of Clarke-McNary funds will be allocated. Likewise, Item 202.5 has been set up specifically for the manning and maintenance of emergency fire fighting equipment assigned by agreement with certain counties and municipalities.

#### *Forty Hour Week Continued*

The forty hour work week established for the first time with the authorization of the war bonus pay for the current biennium, has been continued in Assembly Bill No. 500 in Section 14. This provides that the increases in compensation shall not be paid unless the employees work on the basis of a minimum of forty hours per week. This control is again continued for another two years.

#### *Added Burden of Additional Budgetary Control*

It is generally recognized that the additional controls placed in this appropriation bill will impose added burdens both on the Department of Finance and the State Controller. Full consideration has been given to this and the matter has been carefully considered with these two departments. They know the legislative intent and it is felt that they will exercise due diligence in carrying into effect these controls and the legislative intent, both in letter and in spirit. We believe that the largest possible savings will accrue and at the same time there will be sufficient elasticity and opportunity to exercise good judgment and proper management, so that both economy and the highest State Service can be secured.

## STATEMENT PRESENTED TO SENATE FINANCE COMMITTEE

## BY DEPARTMENT OF FINANCE

Detail of Changes in 1945-1947 Budget Made  
By Assembly Amendments to Budget Bill—Assembly Bill No. 500

<i>Item No.</i>	<i>General Fund</i>	<i>Reserve (R) and Special Funds</i>	<i>Total</i>
Governor's Budget as submitted.....	\$482,746,116	\$20,882,883R 180,081,644	\$683,710,643

Changes by Ways and Means Com-  
mittee Amendments:

<i>Item No.</i>		
16	Legislative Counsel Bureau— typewriters already purchased.....	— \$1,095
19	Supreme Court—increased salary, law clerk .....	+ 3,000
20	Judicial Council .....	— 50,000
20.5	Extra compensation, etc., assigned judges .....	+ 50,000
22	Second District Court—increased salaries, 3 law clerks, 1 new stenographer .....	+ 11,040
33	Personnel Board — typewriters already purchased .....	— 1,500
34	Reconstruction and Reemploy- ment Commission — increased salary savings .....	— 17,965
35	Secretary of State — photostat paper already purchased.....	— 1,000
36	Secretary of State—printing con- stitutional amendments .....	— 35,000
46	Transportation of prisoners — increased current expenditures..	+ 38,000
48	Returning fugitives from justice..	+ 25,000
49	Folsom Prison—increased salary savings .....	— 15,000
51	Institution for men — increased salary savings .....	— 8,100
54	San Quentin Prison—increased salary savings, error in compu- tating salary savings, 10 addi- tional guards .....	— 10,000
56	Adult Authority—increased salary savings, 1 clerical interne cut..	— 11,875
57	Board of Trustees — California Institution for Women — per diems, stenographer, expense..	— 10,900
62	Youth Authority Work Camps— Construction—New boys' camp ..	— 50,500
67	F. C. Nelles, Construction—fence	+ 14,726
68	Preston—support—supp'l budget	+ 19,492
69	Preston — Construction—recrea- tion area and fence.....	+ 105,000
79	State Library — travel, blind workers .....	+ 400

<i>Item No.</i>		<i>General Fund</i>	<i>Reserve(R) and Special Funds</i>	<i>Total</i>
103	University of California -- sup- port adjustments non-aca- demic salaries -----	+	\$150,370	
103.5	University of California—Con- struction — Balances, Santa Barbara C. I. E. appropriations	+	17,480	
103.7	University of California — Pur- chase 1 land at Santa Barbara	+	32,000	
107	Controller — Legislative Auditor recommended cuts—\$25,660; 4 new positions for Budget Bill controls +\$22,492 -----	—	3,168	
110	Controller, SRA Restitutions Division Ninety-eighth Fiscal Year eliminated -----		- \$60,420	
113	Board of Equalization, ABC Division—new and vacant, non- military positions -----		91,631	
115	Department of Finance—4 posi- tions, budget staff a/c new Bud- get Bill controls -----	+	24,480	
129	State Agricultural Society—pur- chase of land -----		— 107,750	
149	Out patient Mental Hygiene Clinic—out all except 1 unit, Los Angeles -----	—	120,840	
172	Department of Insurance—Miscel- laneous Legislative Auditor rec- ommendations -----		— 6,005	
176	Division of Real Estate—new dep- uties, travel and office expense —\$17,630; print bulletin —\$2,400; 3 new intermediate typists-clerks +\$7,920; refer- ence books and guide +\$10,000; travel board +\$600 -----		— 1,510	
178	Department of Justice—Interme- diate clerks v's. Junior clerks fingerprint section -----	+	9,500	
181	Adjutant General and State Guard-High School cadets to Item 181.5 —\$175,744; reduc- tion to 43-45 expenditures — \$623,866; property audit +\$40,- 888 rentals \$10,000; accounting +\$4,360; supervision and oper- ation Federal equipment +\$34,- 136 -----	—	710,226	
181.5	High School Cadets — Governor's Budgets and supplemental Bud- get -----	+	224,020	
187	Department of Motor Vehicles— cut to February positions and 1943-44 expense —\$1,738,690; automobile and motorcycle —\$250,000; new positions — 19 radio men +\$173,150; increase salaries, California Highway Patrol +\$665,115 -----		— 1,496,725	
187.2	Salaries, California Highway Pa- trol, M/L returns -----	+	684,000	

Item No.	General Fund	Reserve(R) and Special Funds	Total
187.5 Transfers from Motor Vehicle Fund to Motor Vehicle support fund—amount authorized cut to \$1,400,000, payable from State Highway Fund's share of Motor Vehicle fees as a loan-----		(— \$1,028,658)	
196 Division of Fish and Game—lion bounties -----		+ 14,000	
200 Division of Forestry—Legislative Auditor reductions —\$500,000; protection zone 2A +\$172,610_	\$327,390		
200.5 Forestry work camps-----	+ 795,180		
201 Allotments to counties — Clarke McNary funds -----	+ 170,000		
202 Allotments to United States Forest service -----	82,000		
202.5 Maintenance of mobile pool equipment in counties-----	+ 157,380		
203 White pine blister rust control---	+ 50,000		
204 Emergency fire suppression-----	+ 500,000		
205.5 Division of Forestry — construction, improvement and equipment -----	+ 72,618		
206 Division of Mines — in lieu of Printing Revolving Fund +\$10,000; Legislative auditor adjusts —\$11,480; technical reports +\$2,500 -----	+ 1,020		
228 Department of Public Health—Legislative Auditor cuts-----	119,530		
236 Division of Ports—superseded by Item 244.5 -----	1,500		
240 Division Water Resources—additional stream gauging +\$20,000; miscellaneous Legislative Auditor cuts —\$27,465 -----	7,465		
241.5 Yuba River debris control—new item -----	+ 60,000		
243 Water Project Authority—salary and travel for coordinator of information -----	4,080		
244.5 Harbor Commissioners, Humboldt Bay—new item -----	+ 5,000		
245 Reclamation Board—Egbert tract operation, consulting engineers -----	15,780		
247 Dept. of Social Welfare—14 positions abolished by Director of Social Welfare -----	18,378		
251.1 Humboldt College — purchase of land—new item -----	+ 195,000		
254 to 274 Incl. Construction (Postwar program) made payable from General instead of Postwar Employment Reserve -----	+ 12,468,520	— 12,468,520R	
276.5 Salary Restoration Fund—transfer of amounts cut from various General Fund items a/o vacant positions -----	(2,772,320)		
Net total, changes by Ways and Means Committee -----	+ \$13,514,303	— \$12,468,520R } — 974,410 }	+ \$71,373
Total Budget, as recommended by Ways and Means Committee -----	\$496,260,419	\$8,414,363R } 179,107,234S }	\$683,782,016



<i>Item No.</i>		<i>General Fund</i>	<i>Reserve(R) and Special Funds</i>	<i>Total</i>
Changes Made by Assembly on Third Reading :				
<i>Item No.</i>				
28	Support, Governor's Residence...	+	\$12,000	
32	Commission on Interstate Cooperation—increased assessment for expenses of Council of State Governments .....	+	13,000	
68	Preston School of Industry—Increase 2 chaplains from half time to full time.....	+	4,920	
111	Board of Equalization, General Administration .....	+	69,535	
112	Board of Equalization, Retail Sales Tax Division.....	+	626,063	
	Restoration of vacant positions tr. by W. & M. to Salary Restoration Fund			
113	Board of Equalization, Alcohol Beverage Control Division—Restoration of vacant M/L positions transferred by Ways and Means to Salary Restoration Fund \$71,960; restoration of vacant and new positions cut out by Ways and Means \$91,631 .....	+	163,591	
114	Board of Equalization—Motor Vehicle Fuel Tax Division—restoration of funds for vacant positions transferred to "Salary Restoration" category (no increase in appropriation)----		(+ \$22,980)	
129	State Agricultural Society, purchase of land—partial restoration, parcel at northwest edge of fairgrounds .....		+	55,925
135	Horse Racing Board—increased positions and expense for resumption of racing in 1945-1946 .....		+	42,019
178	Department of Justice—10 additional narcotic inspectors.....	+	96,300	
185	Veterans' Welfare Board, Veterans claims and Rights Service—increased payments to veterans' organizations .....	+	150,000	
187.2	Highway Patrol salaries and wages M/L Returns—restriction on use until officers employed since January 1, 1942, laid off was removed.....			
208.5	Div. of Oil and Gas, purchase of land new items for acquisition of two lots in Coalinga.....		+	750
228	Dept. of Public Health—restoration of Ways and Means cuts..	+	119,530	

<i>Item No.</i>	<i>General Fund</i>	<i>Reserve (R) and Special Funds</i>	<i>Total</i>
276.5 Salary Restoration Fund—transfer to Items 111, 112, and 113 of amounts provided in this controlled fund for filling vacant positions in Board of Equalization -----	\$767,558		
276.6 Salary Increase Fund—additional \$25 emergency salary increase to all employees-----	+ 10,940,322	+ \$8,059,678 <sup>a</sup>	
Net total, Changes by Assembly on Third Reading -----	+ \$11,427,703	+ \$8,158,372	+ \$19,586,075
Total Budget as passed by Assembly, May 18 -----	507,688,122 <sup>b</sup>	8,414,363 R) 187,265,606	703,368,091
Recapitulation of Assembly Amendments:			
Ways and Means Committee Amendments on Second Reading-----	+ 13,514,303	— 12,468,520 R) — 974,410	+ 71,373
Floor Amendments on Third Reading--	+ 11,427,703	+ 8,158,372	+ 19,586,075
Net Total, Assembly Amendments-----	+ 24,942,006 <sup>b</sup>	— 12,468,520 R) + 7,183,962	+ 19,657,448

<sup>a</sup> Estimated appropriations from Special funds to be made available upon authorization of the Governor and Director of Finance under Section 661 of the Political Code.

<sup>b</sup> Excluding the automatic reduction of \$150,664,728, representing the complete elimination of all General Fund appropriations in the Budget Bill except those for the support of the public school system, consequent upon failure of Assembly Bill No. 500 to secure the two-thirds majority vote required under Section 34a, Article IV, of the Constitution when expenditures exceed the 5 per cent limitation prescribed therein.

1945-1947 BUDGET—SUMMARY OF MAJOR INCREASES OVER  
1943-1945 EXPENDITURES  
(After Assembly Amendments)

1945-1947 Budget, as passed by Assembly-----	\$703,368,091
(Exclusive of automatic reductions through failure to receive two-thirds vote)	
1943-1945 Actual and Estimated Expenditures-----	587,347,003
Increase over 1943-1945-----	\$116,021,088

Major Increase over 1943-1945:

\$25 salary increases for State Employees-----	\$19,000,000
Elementary Schools—Proposition No. 9 and increased attendance -----	39,166,021
High schools and junior colleges—increased attendance -----	7,120,159
Aid to Aged Blind and Children and tuberculosis subsidies—increased case load-----	22,262,531
Gas tax and motor vehicle registration fee apportionments to cities and counties for streets and highways increased revenues-----	2,827,423
Allocations to cities and counties from horse racing, liquor license and motor vehicle in lieu tax receipts —increased revenues -----	4,320,487
Plans and sites for local postwar construction projects—increased expenditures out of carry-over balance in \$10,000,000 appropriation made in 1944-----	1,125,000
State Highways—increased availability of manpower and materials -----	12,411,380

Total of above----- \$108,233,001

Remainder of Increased, Net----- \$7,788,087

**CONSIDERATION OF SPECIAL ORDER**

The hour of 3.30 p.m. having arrived, Assembly Bill No. 244 was taken up.

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 15, of the printed bill, after "liabilities", insert "by an amount equal to the investment certificate reserve required by Section 5.03 of this act, and that the conditions which led to the takeover of the association can be corrected".

**Amendment No. 2**

On page 1, line 19, of said bill, strike out "and that the"; and strike out line 20; and in line 21 strike out "a finding", and insert "by an amount equal to the investment certificate reserve required by Section 5.03 of this act, and that not less than 60 per cent in value of the assets is in the form of cash and bonds and loans which are not delinquent as to payment of principal or interest, the court shall make findings".

**Amendment No. 3**

On page 2, line 3, of said bill, strike out "shall", and insert "may".

**Amendment No. 4**

On page 2, line 12, of said bill, after the period, insert "Provided, however, that the court shall impose and shall not remove such conditions as shall make certain that none of the grounds for takeover set forth in Sections 6.05 and 13.11 of this act shall continue to exist, and such conditions as shall eliminate from any position of employment or management with the association all persons who have wilfully violated any provision of this act, or who have been responsible for a refusal by an association to submit its books, papers and accounts to the inspection of the commissioner or any of his examiners, deputies or assistants. Provided, further, that the court shall make no order directing the commissioner to return the assets and permitting the association to resume business, unless the court shall find that such return of assets and resumption of business is fair and equitable to all classes of certificate holders and other creditors, and is feasible."

Amendments read.

**Division of the Amendments**

Senator Collier requested a division of the amendments, and that Amendments No. 1, 2, and 3 be voted on together.

**Roll Call Demanded**

Senators DeLap, Crittenden, and Salsman demanded a roll call.

**Division of the Amendments**

Senator Crittenden requested a division of the amendments, and that Amendments No. 1 and 2 be voted on together.

The question being on the adoption of Amendments No. 1 and 2.

**Amendment No. 1**

On page 1, line 15, of the printed bill, after "liabilities", insert "by an amount equal to the investment certificate reserve required by Section 5.03 of this act, and that the conditions which led to the takeover of the association can be corrected."

**Amendment No. 2**

On page 1, line 19, of said bill, strike out "and that the"; and strike out line 20; and in line 21 strike out "a finding", and insert "by an amount equal to the investment certificate reserve required by Section 5.03 of this act, and that not less than sixty per cent in value of the assets is in the form of cash and bonds and loans which are not delinquent as to payment of principal or interest, the court shall make findings".

Amendments read.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Jespersen, Judah, Kuchel, Powers, Rich, Salsman, Shelley, Slater, Ward, and Weybret—22.

NOES—Senators Brown, Burns, Crittenden, Dorsey, McBride, Mixter, Parkman, Quinn, Seawell, Sutton, Swing, and Tenney—12.

The question being on the adoption of Amendment No. 3.

#### Amendment No. 3

On page 2, line 3, of said bill, strike out "shall", and insert "may".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Jespersen, Judah, Kuchel, McCormack, Quinn, Rich, Salsman, Shelley, Swing, Ward, and Weybret—22.

NOES—Senators Brown, Burns, Crittenden, Dorsey, Fletcher, Gordon, McBride, Mixter, Parkman, Powers, Seawell, Slater, Sutton, and Tenney—14.

The question being on the adoption of Amendment No. 4.

#### Amendment No. 4

On page 2, line 12, of said bill, after the period insert "Provided, however, that the court shall impose and shall not remove such conditions as shall make certain that none of the grounds for takeover set forth in Sections 6.05 and 13.11 of this act shall continue to exist, and such conditions as shall eliminate from any position of employment or management with the association all persons who have wilfully violated any provision of this act, or who have been responsible for a refusal by an association to submit its books, papers and accounts to the inspection of the commissioner or any of his examiners, deputies or assistants. Provided, further, that the court shall make no order directing the commissioner to return the assets and permitting the association to resume business, unless the court shall find that such return of assets and resumption of business is fair and equitable to all classes of certificate holders and other creditors, and is feasible."

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Dillinger, Donnelly, Jespersen, and Rich—8.

NOES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

Assembly Bill No. 244 ordered printed, and to third reading.

### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Donnelly:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to drugs and poisons, declaring the urgency hereof, to take effect immediately.

Respectfully submitted.

SENATOR DONNELLY



## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 21, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Public Health and Safety.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jepsen, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1295:** By Senator Donnelly—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to drugs and poisons, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1978**—An act to amend Section 51b of the Alcoholic Beverage Control Act, relating to forfeitures.

Bill read third time.

## Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "amend Section 51b of", and insert "add Sections 51ba, 51bb, 51bc, 51bd, and 51be to".

## Amendment No. 2

In line 2 of the title of said bill, strike out "forfeitures.", and insert "the unlawful transportation, keeping, depositing, concealment and possession of alcoholic beverages in vehicles.".

## Amendment No. 3

On page 1 of said bill, strike out lines 1 to 27, inclusive, and insert

"SECTION 1. Section 51ba is added to the Alcoholic Beverage Control Act, to read: Sec. 51ba. The interest of the owner of any right, title, or interest in, or lien upon, a vehicle used to unlawfully transport any alcoholic beverage, or in which any alcoholic beverage is unlawfully kept, deposited or concealed, or in which any alcoholic beverage is unlawfully possessed by an occupant thereof, shall be forfeited to the State, if such owner had knowledge or reasonable ground to believe that any such unlawful transport, keeping, deposit, concealment or possession would be committed in said vehicle.

SEC. 2. Section 51bb is added to said act, to read:

Sec. 51bb. Within thirty (30) days after such seizure, the State Liquor Administrator shall cause an appraisal of the fair market value of said vehicle to be had, and an investigation to be made as to the owner and any claimant of the vehicle whose right, title, interest or lien is of record in the Department of Motor Vehicles. If he shall find that the registered owner of such vehicle had no knowledge or reasonable ground to believe that any such unlawful transport, keeping, deposit, concealment or possession would be committed in said vehicle, he shall forthwith order the release of such vehicle to such owner. If he shall find that the claimant of any right, title or interest in said vehicle under a lien, mortgage or conditional sales contract had no knowledge or reasonable ground to believe that any such unlawful transport, keeping, deposit, concealment or possession would be committed in said vehicle, and if the

amount due under the lien, mortgage or conditional sales contract is equal to, or in excess of, the appraised value of said vehicle, he shall forthwith order the release of such vehicle to such claimant; if the amount due thereunder is less than the appraised value of said vehicle, he shall certify the facts found by him to the Department of Finance which shall thereupon pay to such claimant the amount found due him and upon such payment the State shall be subrogated to the lien, mortgage or conditional sales contract of said claim. If he shall not so find, notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all owners.

SEC. 3. Section 51be is added to said act, to read:

Sec. 51be. Within twenty days after the mailing or publication of the notice, any owner of any right, title or interest in, or lien upon, a seized vehicle, may file a verified answer denying knowledge and reasonable ground to believe that any such unlawful transport, keeping, deposit, concealment or possession would be committed in said vehicle, and if desired, setting forth in addition any matters material to the alleged right of forfeiture.

SEC. 4. Section 51bd is added to said act, to read:

Sec. 51bd. At the hearing, any owner who has a verified answer on file may prove his right, title or interest in, or lien upon, the vehicle to be bona fide and show by competent evidence that the vehicle was not used to unlawfully transport alcoholic beverages, or that alcoholic beverages were not unlawfully possessed by an occupant of the vehicle, or unlawfully kept, deposited, or concealed therein, or that such owner had no knowledge or reasonable ground to believe that any such unlawful transport, keeping, deposit, concealment or possession would be committed in such vehicle.

SEC. 5. Section 51be is added to said act, to read:

Sec. 51be. In the event of such proof by the registered owner, the court shall order the vehicle released to him. In the event of such proof solely by the owner of a lien, mortgage or conditional sales contract on the vehicle, and if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, the court shall order the vehicle released to such owner, it being the intention of this provision to forfeit only the right, title, or interest of the registered owner."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 756  
AND ASSEMBLY BILL NO. 1350**

Senator Breed moved that Senate Bill No. 756 and Assembly Bill No. 1350 be withdrawn from Committee on Transportation for purpose of amendment and referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 756**—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 3, line 20, of the printed bill, as amended, strike out "an additional", and insert "a".

**Amendment No. 2**

On page 3, line 21, of said bill, strike out "in the seven metropolitan"; and in line 22, strike out "districts in this State".

**Amendment No. 3**

On page 3 of said bill, strike out lines 51 and 52; and on page 4 strike out lines 1 to 7, inclusive, and insert

"(b) An urban system of not to exceed a total of 300 miles which in so far as practicable and consistent with proper freeway design as determined by the commission shall be located on existing State highway routes other than those described in paragraph (a) of this section."

**Amendment No. 4**

On page 5 of said bill, strike out lines 20 to 39, inclusive.

**Amendment No. 5**

On page 5, line 40, of said bill, strike out "636", and insert "635".

**Amendment No. 6**

On page 5, line 46, of said bill, strike out "637", and insert "636".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Transportation.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1350**—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 3, line 23, of the printed bill, as amended, strike out "an additional", and insert "a".

**Amendment No. 2**

On page 3, line 24, of said bill, strike out "in the seven metropolitan"; and in line 25 strike out "districts in this State".

**Amendment No. 3**

On page 4 of said bill, strike out lines 1 to 9, inclusive, and insert  
"(b) An urban system of not to exceed a total of 300 miles which in so far as practicable and consistent with proper freeway design as determined by the commission shall be located on existing State highway routes other than those described in paragraph (a) of this section."

**Amendment No. 4**

On page 5 of said bill, strike out lines 22 to 41, inclusive.

**Amendment No. 5**

On page 5, line 42, of said bill, strike out "636", and insert "635".

**Amendment No. 6**

On page 5, line 48, of said bill, strike out "637", and insert "636".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Transportation.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Brown moved that Senate Bill No. 134 be taken from the inactive file for the purpose of amendments and placed on the second reading file.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 134**—An act to amend Section 661 of the Welfare and Institutions Code, relating to detention homes.

Bill read second time.

**Motion to Amend**

Senator Brown moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 661", and insert "the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672".

**Amendment No. 2**

In line 2 of the title of said bill, after "homes", insert "for juveniles, and providing that such homes shall be known as "juvenile halls" ".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 12, inclusive, and insert "SECTION 1. The article heading of Article 5, Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code is amended to read:

**Article 5. [Detention Homes] *Juvenile Halls***

SEC. 2. Section 660 of said code is amended to read:

660. The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court, a suitable house or place for the detention of wards of the juvenile court and of persons alleged to come under the provisions of Section 700. Such house or place shall be known as the [detention home] "*juvenile hall*" of the county. *Wherever in any provision of law reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.*

SEC. 3. Section 661 of said code is amended to read:

661. The [detention home] *juvenile hall* shall not be in, or connected with, any jail or prison, and shall not be deemed to be nor be treated as a penal institution. It shall be conducted in all respects as nearly like a home as possible.

SEC. 4. Section 662 of said code is amended to read:

662. The internal affairs of the [detention home] *juvenile hall* or branch [detention home] *juvenile hall* shall be under the management and control of the probation committee of the county.

SEC. 5. Section 663 of said code is amended to read:

663. The board of supervisors shall provide for a suitable superintendent and matron to have charge of the [detention home] *juvenile hall*, and for such other employees as may be needed for its efficient management, and shall provide for payment, out of the general fund of the county, of suitable salaries for such superintendent, matron, and other employees.

SEC. 6. Section 664 of said code is amended to read:

664. The superintendent, matron, and other employees of the [detention home] *juvenile hall* shall be appointed by the board of supervisors upon the nomination of the probation committee and the approval of the judge of the juvenile court.

SEC. 7. Section 665 of said code is amended to read:

665. The superintendent, matron, or any other employee of the [detention home] *juvenile hall* may, at any time, be removed by the probation committee in its discretion.

SEC. 8. Section 666 of said code is amended to read:

666. The superintendent of the [detention home] *juvenile hall* shall keep a classified list of expenses, and shall file a duplicate copy with the county board of supervisors.

SEC. 9. Section 667 of said code is amended to read:

667. The board of supervisors may provide for the establishment and maintenance of an elementary public school and of a secondary public school in connection with the [detention home] *juvenile hall*, for the education of the children in the [detention home] *juvenile hall*. The board, by ordinance, may provide for the establishment and maintenance of school facilities in the [detention home] *juvenile hall*, and such schools shall be maintained by the respective governing boards of the elementary school district and of the high school district in which the [detention home] *juvenile hall* is situated.



**SEC. 10.** Section 669 of said code is amended to read:

669. Whenever such schools have been established in accordance with the provisions of Section 667, the board of supervisors shall provide suitable grounds, buildings, furnishings, supplies and equipment for the school, and shall lease the same on or before July 1st at a nominal rental to the school districts in which such [detention home] *juvenile hall* is situated. The board shall make an agreement with the governing bodies of such school districts to transfer from the general fund of the county to the current expense fund of each district one thousand six hundred dollars (\$1,600) for each teacher employed in such [detention home] *juvenile hall* school for the first school year. The transfer of funds shall be made on or before the first Monday in January.

**SEC. 11.** Section 671 of said code is amended to read:

671. The average daily attendance of each school shall be made up by dividing the total days' attendance thereof by the number of days school was actually taught in the regular day schools of the district during the school year. The superintendent of schools of the county in which the [detention home] *juvenile hall* is located shall allow one teacher for each 25 pupils, or fraction not less than five, in average daily attendance in the elementary school and shall add this number of teachers to the total number of teachers to which the elementary district is entitled under the provisions of the [School] *Education Code*. The average daily attendance of the elementary school shall be added to the average daily attendance of such school district. The amount of money to be received by the high school district from the State and county school funds because of the maintenance of a secondary school at any [detention home] *juvenile hall* shall be determined as in the case of other schools maintained by such district.

**SEC. 12.** Section 672 of said code is amended to read:

672. The board of supervisors of the county shall agree with the governing board of each of the respective districts in which the [detention home] *juvenile hall* is located to transfer from the general fund of the county to the current expense fund of such districts such sums in excess of the amount of money received from the State and county school funds by each district as are necessary to maintain its school in the [detention home] *juvenile hall*."

Amendments read and adopted.

Bill ordered printed, and to second reading.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Burns asked for and was granted, unanimous consent to have the following excerpt from the Post-Intelligencer printed in the Journal:

(Excerpt from Post-Intelligencer of April 29, 1945)

#### JAP TEST URGED BY MAGNUSON

By Dan Markel, Post-Intelligencer Washington Bureau

WASHINGTON, April 28.—A clear-cut National policy on Japanese residing in the United States was demanded tonight by Sen. Warren G. Magnuson (D, Wash.)

Magnuson said he would call on the immigration service to announce immediately after X-Day how it proposes to handle the Japanese problem. Congress can proceed from that point on, he added.

The Washington Senator has definite views on what should be done with each of several distinctive groupings of Japanese and Japanese-Americans.

#### Would Deport Some

"One class of Japanese should be shipped off to Japanese territory on the first boat we can spare," Magnuson asserted. "They are the alien Japanese and the American-born Japanese who have indicated by act or implication their loyalty to Hirohito.

"Japanese aliens not deported promptly should be held subject to deportation on the first evidence of sympathy toward Japan or of unfriendliness to this country, deportation to be consummated without involved and prolonged bureau procedures.

"Persons of Japanese ancestry born in America should also be subject to deportation unless they attest their loyalty to the United States by formally renouncing the principle of dual citizenship."

Magnuson explained the Japanese government considers all persons of Japanese ancestry, wherever they may be born, citizens of that country and subjects of the emperor.

"Events have proved many Japanese, although born in the United States, have considered their real allegiance is to Japan," he said.

"On the other hand there have been Japanese-Americans, although their number is few, who long before the war went into court and legally renounced Japan's pretensions of their citizenship.

*Loyalty Test Urged*

"It is time every Japanese-American stand up and be counted. This country has no place either in war or in peace for anyone of questioned or questionable loyalty."

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Ward moved that Assembly Bill No. 1988 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Desmond moved that Assembly Bill No. 1570 be taken from the inactive file and placed on the second reading file.

Motion carried.

**President Pro Tempore of the Senate Presiding**

At 5.40 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1079**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 332  
Assembly Bill No. 463  
Assembly Bill No. 597  
Assembly Bill No. 742  
Assembly Bill No. 780  
Assembly Bill No. 993  
Assembly Bill No. 1045  
Assembly Bill No. 1192

Assembly Bill No. 1216  
Assembly Bill No. 1217  
Assembly Bill No. 1432  
Assembly Bill No. 1569  
Assembly Bill No. 1577  
Assembly Bill No. 1642  
Assembly Bill No. 1774  
Assembly Bill No. 2017

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bills were read the first time:

**Assembly Bill No. 332**—An act to amend Section 96 of the Labor Code, relating to assignment of claims.

Referred to Committee on Labor.

**Assembly Bill No. 463**—An act to add Section 4244.1 to the Political Code, relating to phonographic reporters in counties of the fifteenth class.

Referred to Committee on Local Government.

**Assembly Bill No. 597**—An act to add Chapter 6 to Division 9 of the Public Resources Code, relating to consolidation of soil conservation districts.

Referred to Committee on Natural Resources.

**Assembly Bill No. 742**—An act to amend Section 6332 of the Education Code, relating to statements by school districts of receipts and expenditures.

Referred to Committee on Education.

**Assembly Bill No. 780**—An act to amend Section 737p of the Political Code, relating to the salary of judges of the Superior Court in and for the County of Kings.

Referred to Committee on Local Government.

**Assembly Bill No. 993**—An act to amend Section 2148 of, and to add Section 2150 to, the Business and Professions Code, relating to chiropody.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1045**—An act to repeal Section 3714 of the Political Code and to add Sections 3714 to 3714.26, inclusive, to said code, all relating to county budgets, declaring the urgency thereof to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 1192**—An act to amend Section 6600 of the Welfare and Institutions Code, and to add Article 3.5 to Chapter 1 of Part 4 of Division 6 of said code, relating to and providing for the admission of persons believed to be mentally ill to State hospitals on certification without court commitment, providing for court proceedings in relation to such persons where requested, and providing for the rights, care and support of such persons in State hospitals, and for their release therefrom.

Referred to Committee on Institutions.

**Assembly Bill No. 1216**—An act to amend Section 14135 of the Education Code and to add Section 14135.1 to said code, relating to classified employees.

Referred to Committee on Education.

**Assembly Bill No. 1217**—An act to add Section 14121.5 to the Education Code, relating to the appointment of limited term employees.

Referred to Committee on Education.

**Assembly Bill No. 1432**—An act to add Section 5.5 to the Alcoholic Beverage Control Act, relating to licenses.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1569**—An act to amend Sections 4101, 4102, 4103, 4104, 4105 and 4106 of the Government Code, and to add Section 4108 thereto, relating to bidding on public work.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1577**—An act to suspend the operation of Section 673.5 of the Vehicle Code, relating to operation of vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1642**—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of the Department of Social Welfare.

Referred to Committee on Social Welfare.

**Assembly Bill No. 1774**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2017**—An act to add Section 20154 to the Education Code, relating to Hastings College of the Law.

Referred to Committee on Education.

### REPORTS OF STANDING COMMITTEES

#### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Bill No. 681

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Concurrent Resolution No. 52

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported resolution ordered to third reading.

#### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred: Assembly Bill No. 1280

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 694—An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses;

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act;



**Senate Bill No. 1126**—An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery;

**Senate Bill No. 1128**—An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings;

**Senate Bill No. 1133**—An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act;

**Senate Bill No. 1195**—An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1945, at 5 p.m.

SEAWELL, Chairman

#### MOTION TO APPROVE SENATE JOURNALS

Senator Mixter moved that the Senate Journals of Monday, May 14, 1945; Tuesday, May 15, 1945; Wednesday, May 16, 1945; Thursday, May 17, 1945; Friday, May 18, 1945; Saturday, May 19, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

#### RESOLUTIONS

The following resolution was offered by Senator Powers:

##### Senate Resolution No. 110

*Resolved*, That the following named persons be stricken from the list of Senate Attaches, and that their names be stricken from the payroll of the Senate, to take effect on completion of work May 19, 1945.

	<i>Per Day</i>
Gail Gordon, Page-----	\$3 00
Basil Gordon, Page-----	3 00

Resolution read, and on motion of Senator Powers adopted.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following Resolution was offered:

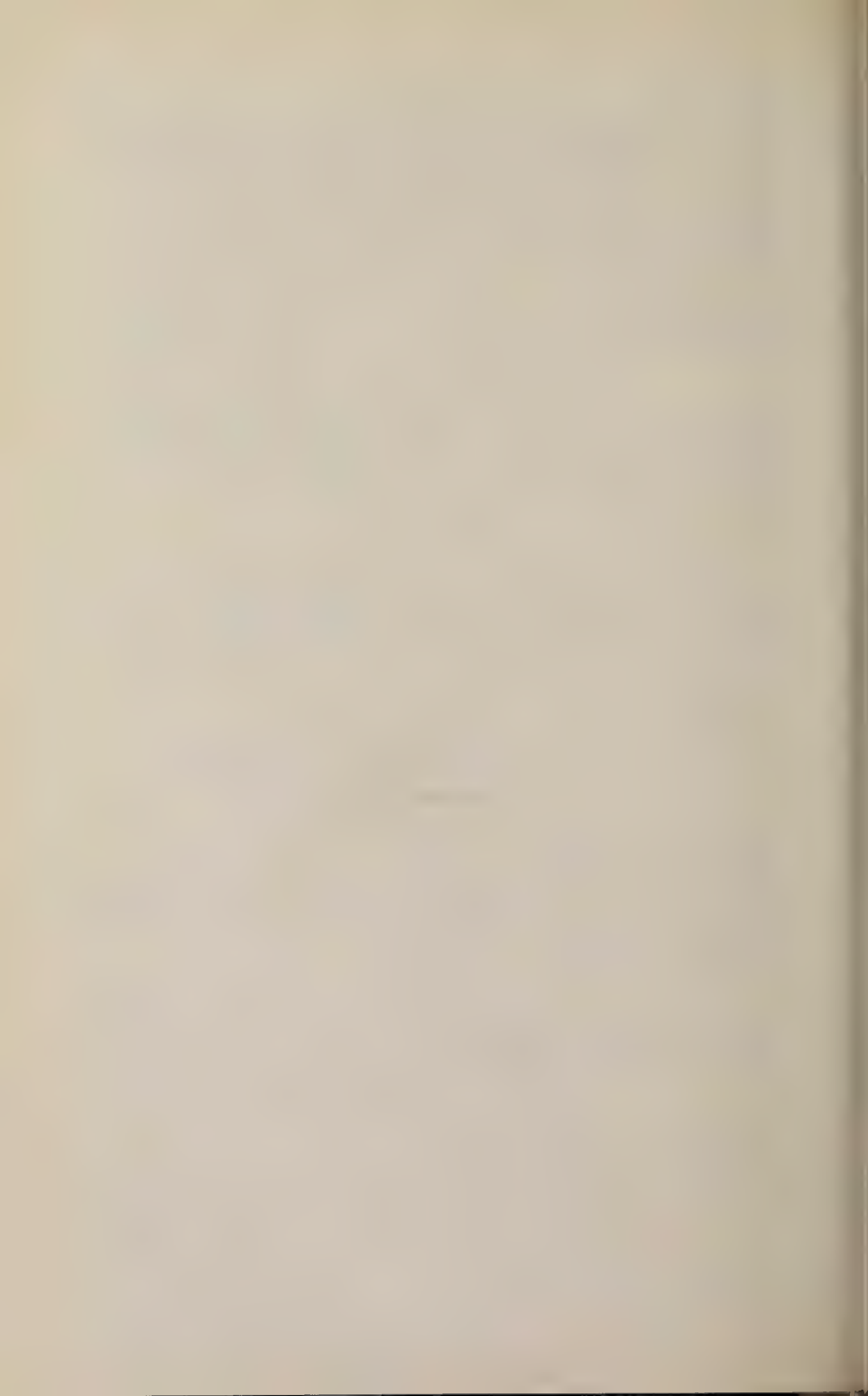
**Senate Joint Resolution No. 24:** By Senators Shelley, Judah, Cunningham, Dillinger, Powers, and Mayo. Relative to memorializing Congress to enact remedial legislation to provide members of the armed forces with wage credits on their social security accounts for the period of their military service.

Referred to Committee on Social Welfare.

#### ADJOURNMENT

At 5.45 p.m., on motion of Senator Mixter, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 22, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SEVENTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-FIFTH CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Tuesday, May 22, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Mayo, on motion of Senator Seawell, due to illness.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant and Mrs. Earl G. Waters, U.S.M.C., of Oakland.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of Winters Elementary School: Barbara Morgan, Emma Duncan, Norman Hansen, Patsy Moore, Virgil Kight, Anthony Martin, Eugene Lawrence, Ray Fletcher, Earl Constant, Warren Amrine, Charles Moody, Chris Rubio, Robert Davis, Alvin Wiedeman, and Dick Pugh, accompanied by Mrs. Mary Edith Hansen and Mrs. Dorothy Pugh.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 65

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 65**—In tribute to the memory of Harry Chandler.

## Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 65, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 65

**Assembly Concurrent Resolution No. 65**—In tribute to the memory of Harry Chandler.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Senate Bill No. 1280

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Senate Bill No. 343

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

FLETCHER, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:  
Senate Bill No. 1186

Has had the same under consideration, and reports the same back with amendments  
with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

FLETCHER, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were  
referred:

Senate Bill No. 1283

Assembly Bill No. 567

Assembly Bill No. 527

Assembly Bill No. 2166

Has had the same under consideration, and reports the same back with the recom-  
mendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was  
referred:

Senate Bill No. 674

Has had the same under consideration, and reports the same back with amendments,  
with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 67

Senate Bill No. 1175

Senate Concurrent Resolution No. 52

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 134

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**MOTION TO PRINT IN JOURNAL**

Senator DeLap moved that the following explanation by the Franchise  
Tax Commissioner, of Assembly Bills Nos. 912, 913, 1518, 911, 914  
and 915, be printed in the Journal:

Motion carried.

**COMMUNICATIONS**

EXPLANATION OF ASSEMBLY BILL NO. 912, AS AMENDED MAY 10, 1945, PROPOSING  
AMENDMENTS TO THE BANK AND CORPORATION FRANCHISE TAX ACT

By Chas. J. McColgan, Franchise Tax Commissioner

**Amendment No. 1**

Page 2, lines 27, 32, 35; page 3, line 5

Mere procedure amendment striking out language which was unnecessary; that is,  
"incorporated" and "shall not be taxed" were eliminated, because of the language  
contained in lines 28 and 29, page 2, of the bill.

**Amendment No. 2****Page 9, lines 1 to 6**

Amendment provides that cancellation of corporate indebtedness by a stockholder does not result in income to corporation except to extent to tax benefit which accrued to corporation as a result of such indebtedness.

**Amendment No. 3****Page 9, lines 32 to 34**

Interest deduction allowed to the extent of intangible income included in measure of tax or to the extent in excess of such income excluded from measure of tax, whichever is the greater.

**Amendment No. 4****Page 10, lines 41 and 42**

Deduction allowed. The act is made to conform with the Federal act by allowing a deduction for partial bad debts "charged off."

**Amendment No. 5****Page 11, lines 27 and 28**

Discovery value as basis for depletion prohibited to more mines.

**Amendment No. 6****Page 12, lines 11 to 13**

Amendment provides for percentage depletion for more mines.

**Amendment No. 7****Page 12, lines 24 to 49**

Amendment provides for a definition of "gross income from the property" for purposes of percentage depletion deduction.

**Amendment No. 8****Page 13, lines 21 and 34 to 50**

The amendment makes the provisions relating to deduction for charitable contributions more liberal in respect to contributions to veterans' organizations.

**Amendment No. 9****Page 13, lines 51 and 52; page 14, lines 1 and 2**

Present Section 8(j) places a burden on the Building and Loan Commissioner of establishing an average rate of interest on money borrowed by building and loan and saving and loan institutions. That commissioner properly complains that the impossible is placed upon him and has asked the Franchise Tax Commissioner to eliminate this problem by allowing a deduction for the entire amount paid by such association on their withdrawable shares. This amendment complies with the request of the Building and Loan Commissioner by providing for such a deduction by such mutual associations.

**Amendment No. 10****Page 18, lines 41 and 42**

Amendment merely clarifies the act to specifically provide that any amount otherwise allowable as a deduction is not deductible if it is allocable to income excluded from the measure of the tax even though there may not be any of that particular type of income during any particular year.

**Amendment No. 11****Page 24, lines 3 to 20**

Corporation which has been subjected to corporation income tax is not subjected to the provisions of Section 13(c) during the first and second years that it does business in California and thus becomes subject to the Franchise Tax Act.

**Amendment No. 12****Page 25, lines 51 and 52; page 26, lines 1 to 4**

Section 13(k) of the act is amended to eliminate inequities in the present act when a corporation dissolves after changing its accounting period.

**Amendment No. 13****Page 26, lines 20 to 30**

Special provision proposed to cover dissolving banks and financial corporations. Provides in effect that they shall pay the maximum Section 4(a) rate upon dissolution prior to the time that the Section 4(a) rate is determined and for a refund in case such rate is less than the maximum.

**Amendment No. 14****Page 27, lines 1 to 4**

This amendment complements Amendment No. 14, *supra*. It merely provides that if a corporation having once been subjected to the Franchise Tax Act discontinues doing business for several years and then commences again to do business in California, thus again coming within the purview of the Franchise Tax Act, the provisions of Section 13(c) are not applicable if in the interim it was subjected to the Corporation Income Tax Act.

**Amendment No. 15****Page 27, lines 32 and 39; page 28, lines 24 and 25 and 28-30**

Technical amendment to clarify the present provisions of Section 134. No change in the present substantive law is contemplated.

**Amendment No. 16****Page 29, lines 1 to 37**

The proposed amendment would conform our act to Section 123(a) of the Revenue Act of 1943. It provides for the denial of deductions, otherwise allowable, in cases where a corporation was acquired (after October 5, 1940) for the "principal purpose" of evasion or avoidance of tax. The amendment would not change the law but merely codify the rule of *Higgins v. Smith* (308 U.S. 473).

**Amendment No. 17****Page 32, lines 1 and 2**

This is a technical amendment to provide where "last in, first out" inventory method is used, items of inventory involved in replacement are to be carried as items acquired at a cost equal to the base stock inventory cost of the item involved in the involuntary liquidation. Conforms to Section 110 of the Revenue Act of 1943.

**Amendment No. 18****Page 35, lines 21 to 32; 34, 35, 37 and 38; page 36, lines 2, 18 and 19; 40 to 42; page 37, lines 32 and 41; page 38, lines 4 to 10; page 39, lines 19 and 27; page 43, lines 22 to 32**

A series of nine technical amendments proposed to be made to our act to have the same conform to Section 121 of the Federal Revenue Act of 1943. The various technical amendments provide for the nonrecognition of gain or loss on the reorganization of insolvent corporations and also provide for adjustment to basis in such circumstances. The technical amendments attempt to cover tax problems such as those as were involved in the *Alabama v. Asphaltic* (315 U.S. 179), *Southwest Consolidated* case (315 U.S. 184), and the *Cement Investors* case (315 U.S. 527). The amendments are to be given a prospective application and are not to be deemed as affecting in any manner the law in existence prior to the adoption of these amendments.

**Amendment No. 19****Page 38, lines 11 to 36**

Amendment would provide that exchange or sale of property, pursuant to orders of the Federal Communications Commission, are to be treated as an involuntary conversion of such property. Conforms to Section 123 of the Revenue Act of 1943.

**Amendment No. 20****Page 46, lines 42, 43, and 44**

The amendment would provide that the provisions of Section 19.1(a) are not to be deemed as in any way limiting the State's right to offset or recoup barred deficiencies. No change in law is contemplated but merely clarification thereof.

**Amendment No. 21****Page 47, line 8**

The amendment proposes to eliminate the necessity of filing a protest under oath by striking out specific language requiring such oath.

**Amendment No. 22****Page 48, lines 18 to 20**

Amendment would provide that the commissioner may collect tax due to mathematical error on face of return by mere demand.

**Amendment No. 23****Page 50, line 2**

Amendment merely eliminates the necessity of filing a refund claim under oath by striking out specific language providing for such requirement.

**Amendment No. 24****Page 51, lines 5 to 10**

Amendment would eliminate circuitous actions where a tax has been paid under protest pending action on such protest or an appeal to the Board of Equalization. In such circumstances, the protest or appeal are deemed to have been made in connection with a refund claim or an appeal on a refund claim.

**Amendment No. 25****Page 51, lines 22 to 27**

Amendment proposes to treat fraudulent assessment in the same manner as a deficiency assessment. Under the present act, taxpayer must pay immediately upon receiving the assessment without right of protest, etc. Amendment changes present law.

**Amendment No. 26****Page 51, lines 44 to 46**

Amendment would allow taxpayer to bring an action to recover a deficiency assessment paid if he has filed a claim for refund therefor or filed a protest to the proposed assessment.

**Amendment No. 27****Page 53, line 7**

Amendment provides that the amendments affecting computation of taxes are applicable to income years "ending after December 31, 1944" and all of the other amendments in this bill are to become effective immediately.

**EXPLANATION OF ASSEMBLY BILL NO. 913, AS AMENDED MAY 10, 1945,  
PROPOSING AMENDMENTS TO THE CORPORATION INCOME TAX ACT**

**By Charles J. McColgan, Franchise Tax Commissioner**

**Amendment No. 1****Page 2, lines 26 and 29**

More procedure amendment striking out language which was unnecessary; that is, "incorporated" and "shall not be taxed" were eliminated, because of the language contained in lines 19 and 20, page 2, of the bill.

**Amendment No. 2****Page 9, lines 17 to 21, inclusive**

Amendment provides that cancellation of corporate indebtedness by a stockholder does not result in income to corporation except to extent to tax benefit which accrued to corporation as a result of such indebtedness.

**Amendment No. 3****Page 9, lines 47, 52; page 10, lines 1 and 2**

Interest deduction allowed to the extent of intangible income included in measure of tax or to the extent in excess of such income excluded from measure of tax, whichever is the greater.

**Amendment No. 4****Page 11, lines 8 and 9**

Deductions allowed. The act is made to conform with the Federal Act by allowing a deduction for partial bad debts "charged off".

**Amendment No. 5****Page 11, lines 47 and 48**

Discovery value as basis for depletion prohibited to more mines.

**Amendment No. 6****Page 12, lines 31 to 33, inclusive**

Amendment provides for percentage depletion for more mines.

**Amendment No. 7****Page 12, lines 44 to 52, inclusive; page 13, lines 1 to 17, inclusive**

Amendment provides for a definition of "gross income from the property" for purposes of percentage depletion deduction.

**Amendment No. 8****Page 13, lines 32 to 36, inclusive**

Present Section 7(i) places a burden upon the Building and Loan Commissioner of establishing an average rate of interest on money borrowed by building and loan and saving and loan institutions. That commissioner properly complains that the impossible is placed upon him and has asked the Franchise Tax Commissioner to eliminate this problem by allowing a deduction for the entire amount paid by such associations on their withdrawable shares. This amendment complies with the request of the Building and Loan Commissioner by providing for such a deduction by such mutual associations.

**Amendment No. 9****Page 14, lines 17 and 18 and 30 to 41, inclusive**

The amendment makes the provision relating to deduction for charitable contributions more liberal in respect to contributions to Veterans' organizations.



**Amendment No. 10**

**Page 17, lines 30 to 48, inclusive; page 18, lines 1 to 30, inclusive**

Amendment proposes to extend until December 31, 1945, the time within which all taxpayers can qualify their pension trusts for the purpose of claiming a deduction under the Corporation Income Tax Act for contributions thereto. The Federal Government recently extended the same time six months, and this amendment merely fits in and conforms our act to the Federal practice.

**Amendment No. 11**

**Page 20, lines 4 to 6, inclusive**

Amendment merely clarifies the act to specifically provide that any amount otherwise allowable as a deduction is not deductible if it is allocable to income excluded from the measure of the tax even though there may not be any of that particular type of income during any particular year.

**Amendment No. 12**

**Page 23, lines 16 and 17**

This is a technical amendment to provide where "last in, first out" inventory method is used, items of inventory involved in replacement are to be carried as items acquired at a cost equal to the base stock inventory cost of the item involved in the involuntary liquidation. Conforms to Section 110 of the Revenue Act of 1943.

**Amendment No. 13**

**Page 26, lines 34 to 45, inclusive; page 26, lines 47, 48, 50; page 27, line 15; page 27, lines 31 and 32; page 28, lines 1, 2, 3; page 28, line 44; page 29, line 2; page 29, lines 17 to 23, inclusive; page 30, lines 34 and 42; page 34, lines 29 to 39, inclusive**

A series of nine technical amendments proposed to be made to our act to have the same conform to Section 121 of the Federal Revenue Act of 1943. The various technical amendments provide for the nonrecognition of gain or loss on the reorganization of insolvent corporations and also provide for adjustment to basis in such circumstances. The technical amendments attempt to cover tax problems such as those as were involved in the *Alabama v. Asphaltic* (315 U.S. 179), *Southwest Consolidated case* (315 U.S. 184), and the *Cement Investors case* (315 U.S. 527). The amendments are to be given a prospective application and are not to be deemed as affecting in any manner the law in existence prior to the adoption of these amendments.

**Amendment No. 14**

**Page 29, lines 24 to 50, inclusive**

Amendment would provide that exchange or sale of property, pursuant to orders of the Federal Communications Commission, are to be treated as an involuntary conversion of such property. Conforms to Section 123 of the Revenue Act of 1943.

**Amendment No. 15**

**Page 36, lines 21 to 52, inclusive; page 37, lines 1 and 2**

The proposed amendment would conform our act to Section 128(a) of the Revenue Act of 1943. It provides for the denial of deductions, otherwise allowable, in cases where a corporation was acquired (after October 5, 1940) for the "principal purpose" of evasion or avoidance of tax. The amendment would not change the law but merely codify the rule of *Higgins v. Smith* (308 U.S. 473).

**Amendment No. 16**

**Page 40, line 34**

The amendment proposes to eliminate the necessity of filing a protest under oath by striking out specific language requiring such oath.

**Amendment No. 17**

**Page 41, lines 44 to 46, inclusive**

Amendment would provide that the commissioner may collect tax due to mathematical error on face of return by mere demand.

**Amendment No. 18**

**Page 42, lines 50 to 52, inclusive**

The amendment would provide that the provisions of Section 19.1(a) are not to be deemed as in any way limiting the State's right to offset or recoup barred deficiencies. No change in law is contemplated but merely clarification thereof.

**Amendment No. 19**

**Page 43, line 46**

Amendment merely eliminates the necessity of filing a refund claim under oath by striking out specific language providing for such requirement.

**Amendment No. 20****Page 44, lines 48 to 52, inclusive; page 45, lines 1 and 2**

Amendment would eliminate circuitous actions where a tax has been paid under protest pending action on such protest or an appeal to the Board of Equalization. In such circumstances, the protest or appeal are deemed to have been made in connection with a refund claim or an appeal on a refund claim.

**Amendment No. 21****Page 45, lines 14 to 19, inclusive**

Amendment proposes to treat a fraudulent assessment in the same manner as a deficiency assessment. Under the present act, taxpayer must pay immediately upon receiving the assessment without right of protest, etc. Amendment changes present law.

**Amendment No. 22****Page 45, lines 36 to 38, inclusive**

Amendment would allow taxpayer to bring an action to recover a deficiency assessment paid if he has filed a claim for refund therefor or filed a protest to the proposed assessment.

**EXPLANATION OF ASSEMBLY BILL NO. 1518, AS AMENDED MARCH 27, 1945,  
PROPOSING AMENDMENTS TO THE PERSONAL INCOME TAX ACT**

**By Charles J. McColgan, Franchise Tax Commissioner**

**To: Hon. Frank W. Mixter, Chairman,  
Senate Revenue and Taxation Committee, and  
Members Thereof**

**From: Chas. J. McColgan  
Franchise Tax Commissioner**

**Re: Assembly Bill No. 1518 as amended in Assembly March 27, 1945**

This bill is the usual administrative bill sponsored by the Franchise Tax Commissioner. It contains about forty-seven amendments which merely conform the State Income Tax Act to the Federal Income Tax Act with exceptions relating to rates and personal exemptions and some other relatively unimportant items, and provides for certain procedural administrative changes. These forty-seven amendments do not affect the rate of tax and will not increase or decrease the overall revenue picture.

In addition to these forty-seven amendments, there are approximately fifty technical amendments which do not change the present law in any respect but merely correct errors made by the codifiers of the act in 1943. These fifty amendments merely assure us that the Personal Income Tax Law in code form would conform exactly to the old Personal Income Tax Act which it has codified.

Attached hereto are specific explanations to the forty-seven specific amendments heretofore referred to.

**Amendment No. 1****Page 1, lines 1 to 3, inclusive**

Amendment provides that the 1943 law codifying the Personal Income Tax Act is to take effect on the effective date of Assembly Bill No. 1518.

**Amendment No. 2****Page 1, line 7**

Technical amendment changing "includes" to "means".

**Amendment No. 3****Page 2, lines 17 to 53; page 3, lines 1 to 53; page 4, lines 1 to 23; page 31, lines 33 to 52; page 32, lines 1 to 51; page 33, lines 1 to 22**

In the bill as originally introduced and as amended in Assembly on March 12, 1945, Section 6 proposed to carry forward Governor Warren's tax reduction plan for two more years in connection with the simplified method of filing State income tax returns; and Sections 114 to 119, inclusive, proposed to carry forward the same reduction plan for two more years in connection with the ordinary method of filing State income tax returns. In light of the Franchise Tax Commissioner's policy of not entering into controversial and policy-making subject matters, he has stricken out all of this language with the thought that this problem would be covered by other bills now pending in the Legislature and which will undoubtedly amend these various sections of the Personal Income Tax Law in some manner or other.

**Amendment No. 4****Page 4, lines 24 to 51, inclusive; page 5, lines 1 to 12, inclusive**

Amendment conforms to Section 5(a) of the Federal Individual Income Tax Act of 1944 (hereinafter referred to as the 1944 Federal Act). The amendment prorates "back pay", which exceeds 15 per cent of gross income in any particular year, ratably over the years it was earned.

**Amendment No. 5****Page 5, lines 33 to 35, inclusive**

Code is clarified to insure equal treatment to annuity contract beneficiaries regardless of the State Act under which the employer receives a deduction for his contributions under the contract.

**Amendment No. 6****Page 5, lines 44 to 52, inclusive**

Compensation and mustering-out pay of members of the armed forces exempt.

**Amendment No. 7****Page 6, line 28**

Technical error; changed "estate" tax to "inheritance" tax.

**Amendment No. 8****Page 6, lines 42 and 43**

Deduction allowed for partial debt "charged off".

**Amendment No. 9****Page 7, lines 28-29**

Technical error in language of original bill corrected.

**Amendment No. 10****Page 7, lines 32 to 47, inclusive**

\$500 deduction allowed for the blind.

**Amendment No. 11****Page 11, lines 42 and 43**

In 1943 the codifiers of the Personal Income Tax Act added two Sections "17356". This amendment eliminates one of them.

**Amendment No. 12****Page 12, lines 46 and 47**

Amendment would provide that where "last-in first-out" inventory method is used, the items of inventory involved in the replacement are to be carried as items acquired at a cost equal to the base stock inventory cost of the item involved in the involuntary liquidation. Amendment conforms to Section 110 of the Revenue Act of 1943.

**Amendment No. 13****Page 13, lines 29 and 38**

Technical amendment adding "persons" to the section of the code preventing tax evasion, by various devices, by the various organizations, etc.

**Amendment No. 14****Page 14, lines 17 to 23, inclusive**

Amendment would provide that there is to be no pro ration of personal exemption and credit for dependents except in cases of returns for a fractional part of a year when a "jeopardy" assessment has been levied.

**Amendment No. 15****Page 14, lines 43 and 44**

Amendment eliminates conflict between Section 17564 and the effective date provisions of this bill and any future bills.

**Amendment No. 16**

**Page 15, lines 3 to 14, inclusive; page 15, lines 18 and 26; page 15, lines 42 and 43; page 16, line 18; page 16, lines 27 and 28; page 16, lines 33 to 40, inclusive; page 19, lines 35 and 36; page 19, lines 43 and 44**

These 8 technical amendments conform our act to Section 121 of the Revenue Act of 1943. They provide for special treatment of reorganizations of insolvent corporations and cover tax problems recently discussed in a series of cases by the United States Supreme Court (Alabama Asphaltic, 315 U.S. 179; Southwest Consolidated, 315 U.S. 184; Cement investors, 316 U.S. 527).

These amendments are not to affect the construction of the act as it previously read, in any manner, whatsoever, but are to merely have a prospective application.

**Amendment No. 17****Page 16, lines 41 to 50, inclusive; page 17, lines 1 to 17, inclusive**

Amendment proposes to treat sales or exchanges of property pursuant to orders by the Federal Communications Commission as involuntary conversions of such property.

**Amendment No. 18****Page 18, lines 23 and 24**

Technical amendment tying Section 17721 and Sections 17725 and 17726 together "Timber" included with the term "property used in the trade or business" Conforms to Revenue Act of 1943

**Amendment No. 19****Page 18, line 29**

Amendment corrects technical error made by a 1943 amendment.

**Amendment No. 20****Page 18, line 35**

Amendment corrects technical error made in 1943.

**Amendment No. 21****Page 18, lines 37 to 52, inclusive; page 19, lines 1 to 10, inclusive**

Taxpayer given option to treat cutting of timber as a sale of the same. Gives taxpayer benefits of "capital assets" provisions, whereas present law does not.

**Amendment No. 22****Page 19, lines 11 to 18, inclusive**

Taxpayer, who is the owner, disposing of timber under a contract by which he retains an economic interest in such timber, treated as though he had sold such timber. Amendment would give such taxpayer the benefits of the "capital assets" provisions.

**Amendment No. 23****Page 20, lines 10 and 12**

Amendment would correct a technical error made in 1943.

**Amendment No. 24****Page 20, lines 37 and 38**

Discovery value as a basis for depletion is prohibited in the case of more mines.

**Amendment No. 25****Page 20, lines 49 to 51, inclusive**

Percentage depletion allowed in the case of more mines.

**Amendment No. 26****Page 21, lines 9 to 35, inclusive**

The term "gross income from the property" is defined for the purpose of the percentage depletion provisions of the code.

**Amendment No. 27****Page 21, lines 40, 41 and 43**

The requirement that a husband and wife be living together is eliminated for the purposes of income taxation.

**Amendment No. 28****Page 21, lines 49 to 51, inclusive; page 22, lines 1 to 31, inclusive**

The amendment proposes to adopt the Federal definition of a "dependent".

**Amendment No. 29****Page 22, lines 32 to 38, inclusive**

Amendment defines a "married person" and a "head of family".

**Amendment No. 30****Page 22, lines 39 to 51, inclusive; page 23, lines 1 to 5, inclusive**

Credit given to partner for "net income tax" paid by partnership as such.

**Amendment No. 31****Page 24, lines 31 and 32**

Gain realized in one year by a beneficiary of a pension trust, because of separation from service, recognized to the extent of 60 per cent.

**Amendment No. 32****Page 25, lines 5 to 18, inclusive**

Income from minor's trust not taxed to grantor unless such income is actually used for minor's support, education, etc.

**Amendment No. 33****Page 25, lines 25 to 28, inclusive**

Amendment would provide that fiduciary may waive 18-month statute of limitations.

**Amendment No. 34****Page 25, lines 34, 37 and 41**

Requirement that husband and wife be living together eliminated for purposes of income taxation.



## Amendment No. 35

**Page 25, lines 48 and 49**

Married couple cannot file a joint return if they have different taxable years.

## Amendment No. 36

Page 26, line 1

Fiduciary return must be under oath.

### Amendment No. 37

Page 26, line 9

Requirement that husband and wife be living together eliminated for purposes of income taxation.

## Amendment No. 38

Page 26, lines 25 to 27, inclusive

Act clarified to insure that all returns, other than an individual's return, must be under oath.

### Amendment No. 39

**Page 27, lines 4 to 6, inclusive**

Technical error in defining "Continental United States" made in 1943 corrected.

## Amendment No. 40

**Page 28, line 28**

Requirement that protest be made "under oath" eliminated.

## Amendment No. 41

Page 28, lines 48 to 52, inclusive; page 29, lines 1 to 11, inclusive

Amendment proposes to treat a "fraudulent" assessment the same as a "deficiency" assessment; that is, taxpayer would have the right to protest and appeal to the Board of Equalization, etc. Amendment changes present law.

## Amendment No. 42

**Page 29, lines 34 to 42, inclusive**

For purposes solely of "interest computation" overpayments for any year offset against underpayments for any year.

## Amendment No. 43

**Page 29, lines 43 to 45, inclusive**

The act is clarified to specifically state that Section 18691 is not to be construed as a limitation on the commissioner's right to offset or recoup barred assessments against overpayments.

## Amendment No. 44

**Page 29, lines 46 to 52, inclusive; page 30, lines 1 to 25, inclusive**

Amendment provides that "for purposes of interest computation" overpayments of related taxpayers could be used as an offset against underpayments of such taxpayers.

### Amendment No. 45

Page 31, line 15

Refund claim need not be "under oath".

## Amendment No. 46

**Page 31, lines 17 to 23, inclusive**

Circuitous actions avoided by treating a protest or an appeal to the Board of Equalization on a protest as a refund claim or an appeal on a refund claim in cases where taxpayer has paid tax after protesting an assessment thereof.

## Amendment No. 47

Page 31, lines 31 and 32

Amendment would allow a taxpayer to recover a deficiency assessment which he has paid in a court action if he has filed a claim for refund therefor or if he protested the same originally.

### Miscellaneous Amendments

In addition to the foregoing 47 amendments, Assembly Bill No. 1518 as amended in Assembly on March 27, 1945, contains about 50 amendments which merely correct errors committed by the codifiers of the Personal Income Tax Act during the 1943 Session of the Legislature. These amendments do not make any substantive change but assure us that the code merely codifies the Personal Income Tax Act.

EXPLANATION OF ASSEMBLY BILL NO. 911, AS AMENDED MARCH 27, 1945, PROPOSING  
AMENDMENTS TO THE BANK AND CORPORATION FRANCHISE TAX ACT

By Charles J. McColgan, Franchise Tax Commissioner

This bill contains all of the amendments made to Section 8 of the Bank and Corporation Franchise Tax Act which were proposed by Assembly Bill No. 912 (as amended March 12, 1945), and in addition thereto (page 11, lines 3 to 52) this bill has as its primary purpose the extension until December 31, 1945, within which corporate employers and taxpayers can qualify their pension trusts plans in order to claim a deduction under Section 8(p) of the Franchise Tax Act. This latter amendment conforms to the Federal Act which also extended the time within which such taxpayers could qualify such trusts under the Federal Act. The amendment does not affect the rates or the revenue.

All of the other italicized amendments are, as heretofore stated, exactly the same as amendments proposed to Section 8 by Assembly Bill No. 912 as amended March 12, 1945.

EXPLANATION OF ASSEMBLY BILL NO. 914, AS AMENDED MARCH 27, 1945,  
PROPOSING AMENDMENTS TO THE PERSONAL INCOME TAX ACT

By Charles J. McColgan, Franchise Tax Commissioner

**Amendment No. 1**

Page 1, lines 1 to 11; page 2, lines 1 to 48; page 3, lines 1 to 48; page 4, lines 1 to 15

This amendment consists of a strike-out of Section 17053.5 of the Revenue and Taxation Code. The bill as originally introduced would have extended for two more years Governor Warren's tax reduction program for purposes of the simplified method of paying the State income tax. Inasmuch as this issue is now pending before the Legislature in several other bills (Assembly Bills Nos. 272 and 1059 and Senate Bill No. 9), it was taken out of Assembly Bill No. 914 and the bill used for other purposes.

**Amendment No. 2**

Page 4, lines 16 to 52; page 5, lines 1 to 18

This series of amendments would extend until December 31, 1945, the time within which taxpayers could qualify their pension trusts plans for purposes of claiming a deduction for contributions thereto. Conforms to the Federal Act which also extended such time.

**Amendment No. 3**

Page 5, lines 22 and 23

This amendment would give the commissioner the right to collect a tax based upon information in his possession without any further administrative steps if a taxpayer refuses, upon demand being made, to file a return or supply the commissioner with any information.

Under Section 18648, if no demand has been made, the taxpayer is given the right to a hearing and the right to protest, etc., any assessment made by the commissioner where the taxpayer has failed to file a return. The only difference between Section 18682 of the Code and Section 18648 is that in the latter section the commissioner has not demanded or requested taxpayer to file information or a return. Under the former section, if such a demand has been made the tax may be collected immediately without giving the taxpayer any further administrative remedies prior to collection.

EXPLANATION OF ASSEMBLY BILL NO. 915, PROPOSING AMENDMENTS  
TO THE BANK AND CORPORATION FRANCHISE TAX ACT

By Chas. J. McColgan, Franchise Tax Commissioner

The amendment is contained on page 1, line 20. It strikes out "4 per centum" and inserts in lieu thereof "3.4 per centum".

The reason for the proposed amendment is simply that ordinary corporations now pay 3.4 per cent under Section 7.5 of the Franchise Tax Act as added in 1943. Therefore, this amendment proposes to change the bank rate formula to the same per centum.

Stating the explanation in another way, through use of formula, it may be explained as follows: Prior to Section 7.5, the bank rate formula was as follows:  
*Four per cent plus personal property taxes of ordinary corporations minus 4 per cent net income of ordinary corporations plus their personal property taxes.*

After Section 7.5, the commissioner believes that in line with the reduction given to ordinary corporations, the formula should now read as follows:

*Four per cent plus personal property taxes of ordinary corporations minus 3.4 per cent net income of ordinary corporations plus their personal property taxes.*

It is the commissioner's understanding that if the 15 per cent credit is continued for two years, the corporations affected by this change have no objection thereto. It is noted that based upon 1943 income it is estimated that this amendment would merely increase the tax burden of banks and financial corporations by only \$12,000. They are now paying approximately four million dollars a year.

#### **MOTION TO RE-REFER SENATE BILL NO. 75**

Senator Seawell moved that Senate Bill No. 75 be re-referred to Committee on Governmental Efficiency.

Motion carried.

#### **MOTION TO REFER BILL TO INACTIVE FILE**

Senator Deuel moved that Senate Bill No. 1285 be placed on the inactive file.

Motion carried.

#### **MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Senate Bill No. 902 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### **MOTION TO SET SPECIAL ORDER**

Senator Crittenden moved that Assembly Bill No. 244 be made a special order of business for Wednesday, May 23, 1945, at 2.30 p.m.

Motion carried.

#### **PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Crittenden:

##### **Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the support of the State Water Resources Board.

Respectfully submitted.

SENATOR CRITTENDEN

##### **Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Finance.

SEAWELL, Chairman

The roll was called.

##### **Call of the Senate**

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.56 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
REQUEST FOR UNANIMOUS CONSENT**

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolutions Nos. 62 and 63, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 62**

**Assembly Concurrent Resolution No. 62**—Relative to approving four certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the first day of May, 1945.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 63**

**Assembly Concurrent Resolution No. 63**—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of May, 1945.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, and Tenney—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS**

**Consideration of Assembly Amendments**

**Senate Bill No. 405**—An act to amend Sections 911.23, 912, 914, 915, 915.5, 917, 919 of, and to add Section 915.1 to, the Agricultural Code, relating to seeds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 405?

**Amendment No. 1**

On page 1, line 19, of the printed bill, as amended, strike out "Salsela", and insert "Salsola".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out line 19.



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 405 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittender, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Tenney, and Weybret—26.

**NOES**—None.

Above bill ordered enrolled.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 681**—An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

#### Amendment No. 1

On page 1, line 5, of the title of the printed bill, strike out the period and insert “, declaring the urgency thereof to take effect immediately”.

#### Amendment No. 2

On page 1, line 1, of the printed bill, strike out “six hundred seventy-eight thousand”, and insert “seven hundred fifty-two thousand six hundred”.

#### Amendment No. 3

On page 1, line 2, of the printed bill strike out “(\$678,000)”, and insert “(\$752,600)”.

#### Amendment No. 4

On page 1, line 4, of the printed bill, strike out “in the Postwar Employment”.

#### Amendment No. 5

On page 1, line 5, of the printed bill, strike out “Reserve”.

#### Amendment No. 6

On page 1 of the printed bill, at the end of line 5, following the comma, insert “or if any other fund is made available for such purpose, then this appropriation shall be payable from such fund”.

#### Amendment No. 7

On page 1, line 19, of the printed bill, after “funds”, insert “or by showing that said San Bernardino County Flood Control District had made necessary advances or incurred obligations for the purpose of expediting the project hereinabove referred to”.

#### Amendment No. 8

On page 1, line 21, of the printed bill, after “Finance”, strike out “within 90 days after they are”; and on line 22, strike out “made.”, and insert “as and when required by him.”

#### Amendment No. 9

On page 1 of the printed bill, after line 26, insert

“SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

That the flood control project contemplated in this act has been recommended by the United States Army Engineers for immediate construction so as to prevent the interruption in the movement of war freight and troops to the Pacific War Zone and the Federal Government has made available funds to meet the cost for the construction of such project and has made available material and labor so that the work of construction may go forward immediately. That unless the floods from the Lytle and Cajon Creeks are controlled by the immediate construction of such project, three transcontinental railroads, two main State highways, numerous war industries, as well as the City of San Bernardino and the City of Colton and the inhabitants

thereof will be exposed to the dangers from floods during the coming winter. That heretofore floods from said Lytle and Cajon Creeks have assumed such proportions that the transportation systems of said railroads have been completely paralyzed for long periods of time, State Highways and bridges have been destroyed, interrupting the flow of traffic and preventing the transportation of army supplies and troops to the Pacific War Zone. That the prosecution of the Pacific War and the movement of war material and troops into that war zone is largely dependent upon the said railroad system and highways, and that interruption of such traffic will materially endanger the prosecution of such war. That the seriousness of such condition is emphasized by the demand of the U. S. Army Engineers that the work upon such project be commenced immediately and prosecuted diligently to completion. That in order to proceed with such project and have said work proceed forthwith, it is necessary that the moneys herein appropriated be made available immediately for the purposes herein stated.

The projects involved are necessary for the preservation of lives and property of citizens of this State, and it is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 134**—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1386**—An act to add Section 88.6 to the Agricultural Code, relating to the exercise of the power of eminent domain by district agricultural associations.

Bill read second time, and to third reading.

**Assembly Bill No. 1123**—An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of, the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the committee on Agriculture:

##### Amendment No. 1

On page 14, line 18, of the printed bill, as amended, after "section", strike out the period, and insert "; but nothing in this act shall authorize a program committee to engage in public warehousing."

##### Amendment No. 2

On page 14, line 50, of the printed bill, strike out "or freezing", and insert "freezing, fermenting or distilling."

##### Amendment No. 3

On page 16 of the printed bill, as amended, strike out line 11 and insert "sentative and reliable."

(h) If the program committee finds that the".

##### Amendment No. 4

On page 18, line 48, of the printed bill, as amended, strike out "reasonable".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1280**—An act to amend the chapter heading of Chapter 4 of Division 6 of the Agricultural Code, to amend Sections 1193, 1194, 1195, 1196, 1199, 1206 and 1217 of the Agricultural Code, to add Section 1217.6 to the Agricultural Code, and to repeal Sections 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

##### Amendment No. 1

In line 2 of the title of the printed bill, after "of", insert ", and to add Section 1190 to".

##### Amendment No. 2

In line 2 of the title of said bill, after "Sections", insert "1191".

##### Amendment No. 3

In line 3 of the title of said bill, after "1199", insert "1200, 1202".

##### Amendment No. 4

In line 4 of the title of said bill, strike out "to add Section 1217.6 to the Agricultural Code,".

##### Amendment No. 5

On page 1, line 6, of said bill, insert

"SEC. 2. A new section is hereby added to the Agricultural Code, to be numbered 1190 and to read:

1190. The purpose of this chapter is to promote, foster and encourage the intelligent and orderly marketing of agricultural products through cooperation; and to eliminate speculation and waste; and to make the distribution of agricultural products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of agricultural products. It is here recognized that agriculture is characterized by individual production in contrast to the group or factory system that characterizes other forms of individual production; and that the ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing and that the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries; and that the public interest urgently needs to prevent the migration from the farm to the city in order to keep up farm production and to preserve the agricultural supply of the nation; and that the public interest demands that the farmer be encouraged to attain a superior and more direct system of marketing in the substitution of merchandising for the blind, unscientific and speculative selling of crops.

SEC. 3. Section 1191 of the Agricultural Code is hereby amended to read:

1191. As used in this chapter:

(a) "Products" includes horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Association" means any corporation organized under this chapter. *An association will be deemed incorporated under this chapter or organized under this chapter and will be deemed a producer of products within the meaning of this chapter when it is functioning under, or is subject to, the provisions of this chapter, irrespective of whether it was originally incorporated under such provisions or was incorporated under other provisions.*"

##### Amendment No. 6

On page 1, line 7, of said bill, strike out "2", and insert "4".

##### Amendment No. 7

On page 2, line 1, of said bill, strike out "3", and insert "5".

##### Amendment No. 8

On page 2, line 52, of said bill, strike out "merchandise", and insert "machinery, equipment or supplies".



**Amendment No. 9**

On page 3, line 4, of said bill, strike out "4", and insert "6".

**Amendment No. 10**

On page 3, line 23, of said bill, strike out "5", and insert "7".

**Amendment No. 11**

On page 3, line 27, of said bill, strike out "Section 1191", and insert "this chapter".

**Amendment No. 12**

On page 4, line 6, of said bill, strike out "6", and insert "8".

**Amendment No. 13**

On page 4 of said bill, between lines 12 and 13, insert

"SEC. 9. Section 1200 of the Agricultural Code is hereby amended to read:

1200. Each association shall within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this chapter. [A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote.] *The vote or written assent of shareholders or members holding at least a majority of the voting power* is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws.

The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be held at the place as provided in the by-laws; and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

(d) The number of directors constituting a quorum.

(e) The number of directors and the qualifications, compensation and duties and term of office of directors and officers and the time of their election. Subject to the provisions of the general corporation law, the number of directors may be changed by a by-law duly adopted by the shareholders or members.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

(j) The number and qualification of members of stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.



SEC. 10. Section 1202 of the Agricultural Code is hereby amended to read:

1202. The by-laws may provide that:

(a) The territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

(b) Primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association.

(c) The territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

(d) One or more directors may be [nominated] *chosen* by any public official or commission or by the other directors selected by the members. Such director shall represent primarily the interest of the general public in such associations. The directors so [nominated] *chosen* shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

(e) The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board."

**Amendment No. 14**

On page 4, line 13, of said bill, strike out "7", and insert "11".

**Amendment No. 15**

On page 4, line 30, of said bill, strike out "Section 1195", and insert "this chapter".

**Amendment No. 16**

On page 4, line 42, of said bill, strike out "8", and insert "12".

**Amendment No. 17**

On page 5 of said bill, strike out lines 4 to 33, inclusive.

**Amendment No. 18**

On page 5, line 34, of said bill, strike out "10", and insert "13".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Assembly Bill No. 1988**—An act to amend Section 20890 of the Government Code, relating to time spent in military service for the purpose of computing retirement benefits and contributions to the retirement system while in such military service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1570**—An act to amend Sections 6854, 6855, 6857, 6860, 6861, 6862, 6863, 6864, 6865, 6871, 6876, 6877, 6878, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6950, 6951, and 6956, and to add Sections 6866 and 6947, and to amend and renumber Sections 6866 and 6867, and to renumber Sections 6939 and 6940, and to repeal Section 6944 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 68**—An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 131**—An act to amend Sections 1501 and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

#### Motion to Reconsider

Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 131 was passed.

#### Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 131 was passed, was continued until the next legislative day.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.10 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Crittenden was granted permission to introduce a bill by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

**NOES**—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Dilworth:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 22, 1945

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

Respectfully submitted.

SENATOR DILWORTH

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Military and Veterans Affairs.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 1296:** By Senator Crittenden—An act making an appropriation for the support of the State Water Resources Board.

Referred to Committee on Finance.

**Senate Bill No. 1297:** By Senator Dilworth—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contractors for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

Referred to Committee on Military and Veterans Affairs.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 635**—An act to add Section 3.5 to the County Civil Service Enabling Act, relating to firemen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 530**—An act to amend Section 11 of, and to add Section 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1078**—An act to amend Section 66 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure and provisions for claims for benefits thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield,

Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Constitutional Amendment No. 6**—A resolution to propose to the people of the State of California an amendment to Section 26 of Article VI of the Constitution of the State, relating to the selection of judges and the filling of vacancies in such judicial offices.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—Senators Carter, Crittenden, Donnelly, Hatfield, Keating, and Swing—6.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate Bill No. 615 and the amendment proposed by Senator Desmond.

#### In Committee of the Whole

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

On motion of Senator Rich, the committee did arise and report back to the Senate.

#### In Senate

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

#### FURTHER CONSIDERATION OF SENATE BILL NO. 615

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

#### Motion to Amend

Senator Desmond moved the adoption of the following amendment as it appears on pages 2990 and 2991 of the Senate Journal, May 21, 1945:

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 26, inclusive; and on page two strike out lines 1 to 17, inclusive and insert

"(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural commodity; the raising, feeding, and management of livestock, poultry and bees; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto;

(b) In the employ of the owner or tenant of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials.

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm.



(d) The provisions of paragraphs (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said paragraphs applicable to services performed in commercial canning or commercial freezing.

(e) As used herein, the term "farm" includes among others, stock, dairy, poultry, fruit and truck farms; plantations, ranches, ranges, nurseries, orchards and vineyards.

(f) Forestry and lumbering are not included within the exemption of agricultural labor."

Amendment read.

#### Motion to Amend

Senator Desmond moved to amend proposed amendment to Senate Bill No. 615 offered January 21, and appearing on pages 2990 and 2991 of the Senate Journal of May 21, 1945, as follows:

#### Amendment No. 1

In line 3 of amendment No. 1 (being the next to the last line of page 2990 of Senate Journal of May 21, 1945) after the comma following the word "person", insert "or under a contract".

#### Amendment No. 2

In line 5 of amendment No. 1 (being line 1 of page 2991 of the Senate Journal of May 21, 1945) strike out the semicolon after the word "commodity", and insert "including hay baling";

#### Amendment No. 3

In line 8 of amendment No. 1 in paragraph (b) (being line 4 of page 2991 of the Senate Journal of May 21, 1945) following the word "tenant" insert ", or under contract of the owner or tenant".

#### Amendment No. 4

In line 21 of amendment No. 1 in paragraph (e) (being line 17 of page 2991 of the Senate Journal of May 21, 1945) strike out the word "and", following the word "orchards", and insert a comma.

#### Amendment No. 5

In line 21 of amendment No. 1 in paragraph (e) (being line 17 of page 2991 of the Senate Journal of May 21, 1945) strike out the period following the word "vineyards", and insert "and farms producing fur-bearing animals."

#### Amendment No. 6

In amendment No. 1 strike out all of paragraph (f).

Amendments read.

#### Previous Question

Senator Collier moved the previous question.

Motion carried.

The question being on the adoption of the amendments to the amendment.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dilworth, Dorsey, Jespersen, Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Swing, and Ward—21.

NOES—Senators Breed, Crittenden, Desmond, Donnelly, Fletcher, Gordon, Hatfield, Judah, Kuchel, Quinn, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—16.

#### Motion to Amend

Senator Desmond moved the adoption of the following amendment as amended.

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 26, inclusive; and on page two strike out lines 1 to 17, inclusive and insert

"(a) On a farm, in the employ of any person, or under a contract, in connection with cultivating the soil, or in connection with raising or harvesting of any agricultural or horticultural commodity including hay baling; the raising, feeding, and management of livestock, poultry and bees; which includes among others, the spraying, pruning, fumigating, fertilizing, irrigating and heating which may be necessary and incident thereto;

(b) In the employ of the owner or tenant, or under contract of the owner or tenant, of a farm on which the materials in their raw or natural state were produced, in connection with the drying, processing, packing, packaging, transporting, and marketing of such materials.

(c) In the employ of the owner or tenant of a farm with respect to ordinary farming operations in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if substantially all of such services are performed on a farm.

(d) The provisions of paragraphs (b) and (c) are not applicable with respect to the services referred to unless such services are carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations. Nor are the provisions of said paragraphs applicable to services performed in commercial canning or commercial freezing.

(e) As used herein, the term "farm" includes among others, stock, dairy, poultry, fruit and truck farms; plantations, ranches, ranges, nurseries, orchards, vineyards and farms producing fur bearing animals.

Amendment read.

#### Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the adoption of the amendment as amended.

#### Roll Call Demanded

Senator Desmond, Seawell, and Salsman demanded a roll call.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Desmond moved a call of the Senate.

Motion carried. Time, 5 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE MOTION TO RECESS OUT OF RESPECT

Senator Dorsey moved that when the Senate recess this day that it does so out of commemoration of the Maritime Service, and in observance of National Maritime Day.

Motion carried.

#### MOTION TO PRINT REMARKS IN JOURNAL

Senator Carter moved that the remarks of Senator Dorsey relating to National Maritime Day be printed in the Journal.

Motion carried.

#### Remarks of Senator Dorsey

SACRAMENTO, CALIFORNIA, May 22, 1945

MR. PRESIDENT: One hundred twenty-six years today marked the first trans-ocean crossing under steam power—to be exact, on May 22, 1819.

The Congress of the United States, in 1933, provided for the annual observance of this day as "National Maritime Day," at which time the American Merchant Marine was of little importance so far as the world markets were concerned. Thereafter, "National Maritime Day" has been observed year after year. But it was not until 1937 that the United States Maritime Commission embarked upon a program in which many cargo ships were to be constructed.

It is reported that in 1939, the United States controlled something less than one-seventh of all the world's ocean shipping. However, in 1941, upon the entry of the United States into the present conflict, the building of the Merchant Marine began in earnest, since which time the American Merchant Marine has rightfully secured the commendation of all the Allied powers for the efficient service rendered

our Country and its allies in delivering men, munitions, and materiel to the many world fighting fronts in volume theretofore deemed impossible. These American vessels have been manned by American seamen; these men have sailed these vessels into every combat area and beachhead with men and materiel. The casualty list of men and ships is the highest proportionately of all our services.

It is now reported that the United States controls more than two-thirds of all the world's shipping, and has more than 4,000 merchant vessels operating under the War Shipping Administration; the dead-weight tonnage has increased from 11,000 tons in 1942 to over 45,000,000 tons on this day; hence, "National Maritime Day" in this year finds the American Merchant Marine not only important in world trade, but it has a monopoly in world trade.

It is therefore hoped that the American Merchant Marine will be governed in peace time by a policy allowing the ships of our Country to compete profitably with foreign ships.

Now, therefore, Mr. President, I move that when this Senate does recess today, that it shall do so in commendation of the services of the men of the Merchant Marine and in commemoration of National Maritime Day.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Burns:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to exclude disloyal persons from courts of justice in civil cases.

Respectfully submitted.

SENATOR BURNS

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuehel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Weybret:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class.

Respectfully submitted.

SENATOR WEYBRET

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Local Government.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

**NOES**—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time :

**Senate Bill No. 1298:** By Senator Burns—An act to exclude disloyal persons from courts of justice in civil cases.

Referred to Committee on Judiciary.

**Senate Bill No. 1299:** By Senator Weybret—An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class.

Referred to Committee on Local Government.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.18 p.m., on motion of Senator Desmond, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the amendments to Senate Bill No. 615 adopted by the following vote :

**AYES**—Senators Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Quinn, Rich, Salsman, Seawell, Shelley, Swing, and Tenney—20.

**NOES**—Senators Biggar, Breed, Brown, Crittenden, Dilworth, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Slater, Sutton, Ward, and Weybret—19.

Bill ordered printed, and to third reading.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning :

**Senate Bill No. 1201**—An act to add Section 6901 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to :

Assembly Bill No. 1368  
Assembly Bill No. 1141  
Assembly Bill No. 536  
Assembly Bill No. 2145

Assembly Bill No. 397  
Assembly Bill No. 469  
Assembly Bill No. 2078  
Assembly Bill No. 937

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk



ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 333  
Assembly Bill No. 335  
Assembly Bill No. 1126  
Assembly Bill No. 986  
Assembly Bill No. 1607

Assembly Bill No. 1753  
Assembly Bill No. 1799  
Assembly Bill No. 2075  
Assembly Bill No. 2179

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 333**—An act to amend Section 226 of the Labor Code, relating to wages.

Referred to Committee on Labor.

**Assembly Bill No. 335**—An act to repeal Section 1100 of the Labor Code, relating to political affiliations of employees.

Referred to Committee on Labor.

**Assembly Bill No. 1126**—An act to add to the Welfare and Institutions Code, Chapter 4 of Division 3, comprising Sections 2370 to 2374, inclusive, relating to the issuance by counties of bonds for the construction of homes for aged persons.

Referred to Committee on Social Welfare.

**Assembly Bill No. 986**—An act to add Section 2182.01 to the Welfare and Institutions Code, relating to aid to the aged, and requiring prompt county compliance with the orders of the State Social Welfare Board.

Referred to Committee on Social Welfare.

**Assembly Bill No. 1607**—An act authorizing and empowering the Director of Finance to purchase or acquire surplus war property from the Federal Government or its agencies, and creating the Surplus War Property Procurement Advisory Board.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1753**—An act to amend Section 19390 of, and to add Section 19401 to, the Government Code, relating to persons in military service.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1799**—An act to add Section 19400 to the Government Code, relating to employees reinstated after military leave.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2075**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Referred to Committee on Natural Resources.

**Assembly Bill No. 2179**—An act to amend Section 3 of the Los Angeles County Flood Control Act, relating to the board of supervisors.

Referred to Committee on Local Government.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MAY 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 45**—Relative to memorializing Congress to express at this time its postwar policy in regard to Japanese owned or mandated islands in the Pacific.

Referred to Committee on Military and Veterans Affairs.

## REPORTS OF STANDING COMMITTEES

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1176

Assembly Bill No. 1724

Assembly Bill No. 537

Assembly Bill No. 336

Assembly Bill No. 1099

Assembly Bill No. 780

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 521

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 452

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 866

Senate Bill No. 869

Senate Bill No. 800

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11; absent 0.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 835  
Senate Bill No. 855  
Senate Bill No. 245

Senate Bill No. 870  
Senate Bill No. 1039  
Assembly Bill No. 1987

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1153  
Assembly Bill No. 2116

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

## Committee on Transportation

## SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 325  
Assembly Bill No. 2095

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 466  
Assembly Bill No. 675

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 602	Assembly Bill No. 393
Senate Bill No. 812	Assembly Bill No. 749
Senate Bill No. 813	Assembly Bill No. 1209
Senate Bill No. 1177	Assembly Bill No. 1566

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 153

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**ADJOURNMENT**

At 5.29 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 23, 1945, out of respect to the memory of the late Harry Chandler; and in commemoration of the Maritime Service; and in observance of National Maritime Day.

JOHN F. LEA, Minute Clerk



# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

SEVENTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 23, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing Tenney, Ward, and Weybret—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Mayo, on motion of Senator Seawell, due to illness.

Senator McCormack, on motion of Senator Parkman, due to legislative business.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Griffin Bancroft and Mr. Roy Badger, both of San Diego.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant H. I. Rae, U.S.N., of Tulare.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bruce White Wasserburger of Inglewood.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alice Vest,

Principal, and the following students of Sutterville Heights School: Lila Ruth Hunter, Betty Marie Mason, Henry L. Williard, Robert Freeze, and Charles Armstrong.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Albert D. Halloran of San Mateo, member of National Council of Red Cross.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jennie Brown of Orange, Mrs. Lilyan Sherwood and Mrs. Erma Lou McLelland, both of Santa Ana.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. H. Duffy and A. D. McNeil of Hanford.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. G. Albertson, teacher, and the following students of Lincoln School, Sutter County: Leslie Perkins, Herbert Long, Bill Trexler, Jack Bandy, Harold Hammons, Blair Butler, Bill King, Robert Hurlbert, Edgar Eslick, Norma Brandt, Roberta Arnoldy, Thelma Eslick, Dorothy Fogarty, Ruth Talley, Jean Spradling and Daryl Morrison.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

Sacramento 14, May 22, 1945

*To the Honorable Members of the Senate,*

*State of California*

*Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 168, entitled: "An act to amend Sections 1730 and 1771 of Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings."

My objections to this bill are as follows:

As originally introduced, this bill repealed those provisions of the Code of Civil Procedure relating to conciliation proceedings. As amended in its passage through the Legislature, the provision for repeal was taken out and it was provided that the provisions with regard to conciliation proceedings should be applicable only in counties having a population in excess of 900,000.

I am advised by the Attorney General and the Legislative Counsel that the Legislature is without power to so classify counties for the purpose of this bill. Inasmuch as I am convinced that the bill in its final form is unconstitutional, I am withholding my approval.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 168 ordered placed on unfinished business file.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 411

Assembly Bill No. 1299

Assembly Bill No. 1294

Assembly Bill No. 1300

Assembly Bill No. 1295

Assembly Bill No. 1364

Assembly Bill No. 1296

Assembly Bill No. 2004

Assembly Bill No. 1298

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 11

Assembly Bill No. 1430

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1281

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 615

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 54**—Approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1945;

**Senate Concurrent Resolution No. 55**—Approving an amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eighth day of May, 1945;

**Senate Concurrent Resolution No. 56**—Approving an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the seventh day of May, 1945;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-third day of May, 1945, at 11 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 64**—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class;

**Senate Bill No. 138**—An act to amend Sections 3477 and 3479 of the Revenue and Taxation Code, relating to property tax sales to private parties before deed to the State;

**Senate Bill No. 163**—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer;

**Senate Bill No. 248**—An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births;

**Senate Bill No. 375**—An act to amend Section 10607 of the Health and Safety Code, pertaining to proceedings to establish record of birth, death, or marriage;

**Senate Bill No. 528**—An act to amend Sections 150 and 151 of, and to add Section 151.5 to, the Welfare and Institutions Code, relating to the designation of the Department of Institutions and the Director thereof as the Department of Mental Hygiene and the Director of Mental Hygiene;

**Senate Bill No. 614**—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1945, at 11 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 843**—An act to amend Section 798 of the Agricultural Code, relating to dates and date products;

**Senate Bill No. 844**—An act to amend Section 830 of the Agricultural Code, relating to by-products and waste disposal;

**Senate Bill No. 903**—An act to amend Section 5 of the County Water Authority Act, relating to water authorities;

**Senate Bill No. 1013**—An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class;

**Senate Bill No. 1046**—An act to add Sections 2245.6 and 2326 to the Business and Professions Code, relating to chiroprapodists;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1945, at 11 a.m.

SEAWELL, Chairman

## Committee on Revenue and Taxation

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

**Assembly Bill No. 280**

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

**Senate Bill No. 793**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

**Senate Bill No. 1218**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolution was offered:

By Senators Shelley and Judah:

## Senate Resolution No. 111

Relative to the passing of James Lewis Matthews

WHEREAS, With sincere regret the Members of the Senate have learned of the passing of James Lewis Matthews, veteran California newspaperman and first chairman of the California Employment Commission; and

WHEREAS, Death came suddenly to Mr. Matthews as he worked at his desk at the Covina Argus, which he had owned and edited for over 50 years and which, under his direction, had received National renown as an outstanding small-town weekly newspaper; and

WHEREAS, Born in Bristol, England, in 1871, Mr. Matthews came to California in the early nineties and had long been active in the civic and political affairs of his community; at one time he was Chairman of the Los Angeles County Grand Jury; for 12 years he served as Postmaster of Covina and also, for a while, as President of that



city's Chamber of Commerce; he was campaign director of the 1916 and 1924 bond elections for Los Angeles County flood control and was instrumental in the building of 13 dams in that area; for two years he served as State Water Commissioner; an ardent Republican, he directed several Los Angeles County Republican campaigns; and

WHEREAS, In all of his undertakings, whether as a newspaperman, a civic leader or a public officer, Mr. Matthews devoted himself with earnest sincerity to the task at hand, performing ably and well the responsibilities imposed in him, and contributed in no small way to the establishment of Unemployment Insurance in California; and

WHEREAS, With his passing many friends throughout California join in mutual sorrow; now, therefore, be it

*Resolved by the Senate of the State of California,* That when the Senate this day adjourns it shall do so out of respect to the memory of James Lewis Matthews; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit to Mrs. Delia Bashor Matthews, the bereaved widow of James Lewis Matthews, a suitably engrossed copy of this resolution.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 22, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated May 17, 1945, appointing HARVEY E. HASTAIN as Member, Fish and Game Commission, vice Nate Milnor:

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

### Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Harvey E. Hastain as a member of the Fish and Game Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Harvy E. Hastain?"

The roll was called.

### Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.49 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

### CONSIDERATION OF DAILY FILE

### SECOND READING OF SENATE BILLS

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, after "breakwaters", insert "in existence on May 1, 1945, or from any extensions thereof."

**Amendment No. 2**

On page 1, line 13, of said bill, after "be", insert "drilled or".

**Amendment No. 3**

On page 1, line 22, of said bill, after "uplands," insert "or from such jetties or breakwaters,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

**Senate Bill No. 343**—An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for acquisition, development, and improvement of Mission Bay Park.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 5 of the title of the printed bill, as amended, strike out "acquisition,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 5 to 21, inclusive, and insert "5032. Mission Bay State Park consists of that area of land owned by the State in San Diego County comprising approximately 65 acres located within the area formerly comprising Mission Bay State Park and which was not granted by the Legislature to the City of San Diego and which by reason of its location forms the entrance to and controls the larger area which comprises Mission Bay Park.

SEC. 2. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be expended by the Division of Beaches and Parks in the Department of Natural Resources for the development and improvement of the Mission Bay Park area, provided that any sums expended from this appropriation shall be matched by like amounts in money received from sources other than the State."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1186**—An act to add Chapter 2.2, comprising Sections 4451 to 4454, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "2.2", and insert "3".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "4451 to 4454", and insert "4881 to 4883".

**Amendment No. 3**

On page 2, lines 12 and 13, of said bill, strike out "2.2, comprising Sections 4451 to 4454", and insert "9, comprising Sections 4881 to 4883".

**Amendment No. 4**

On page 2, line 15, of said bill, strike out "2.2", and insert "9".

**Amendment No. 5**

On page 2, line 18, of said bill, strike out "4451", and insert "4881".

**Amendment No. 6**

On page 2, line 29, of said bill, strike out "4452", and insert "4882".

**Amendment No. 7**

On page 2, line 33, of said bill, strike out "4453", and insert "4883".

**Amendment No. 8**

On page 2, of said bill, strike out lines 44 to 49, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1283**—An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 674**—An act to amend Section 8961 of the Health and Safety Code, relating to cemetery districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 8961 of", and insert "add Section 8961.3 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert "SECTION 1. Section 8961.3 is added to the Health and Safety Code, to read: 8961.3. The district may acquire a mausoleum or mausoleums which have been constructed more than twenty years prior to the acquisition thereof and may maintain such mausoleum or mausoleums for the burial of the dead above the ground."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**Senate Bill No. 1176**—An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 521**—An act to amend Sections 4041.18 and 4041.29 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 866**—An act to amend Section 12041 of the Government Code, relating to Governor's council.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 869**—An act to amend Section 151 of the State Civil Service Act, and to add Section 18101 of the Government Code, relating to sick leave.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, 47.5, 59.6, and 61.3, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 14, line 11, of the printed bill, after "director", insert "and approved by the Board of Control".

##### Amendment No. 2

On page 14, line 25, of said bill, after "board", insert "and the board shall cause to be published".

##### Amendment No. 3

On page 14, line 26, of said bill, after "his", insert "receipts and".

##### Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 40 to 52, inclusive; and on page 3, strike out lines 1 to 11, inclusive.

##### Amendment No. 5

On page 3, of said bill, between lines 45 and 46, insert

"(e) Provisions whereby the director may provide methods for the establishment of minimum prices for fluid milk or fluid milk for fluid cream received within a marketing area regardless of whether such fluid milk or fluid milk for fluid cream is subsequently sold or distributed within or without such marketing area or within or without the jurisdiction of the State of California. Such stabilization and marketing plans may provide for the establishment of prices for fluid milk or fluid milk for fluid cream whether or not such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect. The stabilization and marketing plan may provide that producers shall be paid not less than the minimum prices established for the marketing area wherein such fluid milk or fluid milk for fluid cream is ultimately sold or distributed, and may further provide that in the event such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such fluid milk or fluid milk for fluid cream may be paid by the distributor to the producer thereof at not less than the average price paid by distributors to producers for fluid milk or fluid milk for fluid cream of similar grade and



quality at the plants in the vicinity where such fluid milk or fluid milk for fluid cream is so sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to this section.

The director may issue and make effective provisions establishing minimum prices to be paid by distributors to producer-distributors for milk which is not used by the purchasing distributor as Class 1 or Class 2 milk and which provisions may provide that such milk if used in classes other than Class 1 or Class 2 by the purchasing distributor may be paid for at the minimum prices established by the director for such other usage but which shall not be less than the prices as found by the director to be paid by manufacturing milk plants in or adjacent to the area using milk for similar purposes. Such prices shall remain in effect only for the period during which, as determined by the director, there is a surplus of producer-distributor milk."

**Amendment No. 6**

On page 3, line 46, of said bill, strike out "(e)", and insert "(f)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 855**—An act to amend Section 73 of the State Civil Service Act, relating to office and working hours and the payment of overtime compensation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 7, of the printed bill, strike out "six calendar months", and insert "one year".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 245**—An act to amend Section 736b of the Political Code, relating to the payment of salaries of the judges of the superior court.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "six thousand dollars (\$6,000)", and insert "five thousand dollars (\$5,000)".

**Amendment No. 2**

On page 1, lines 9 and 10, of said bill, strike out "six thousand dollars (\$6,000)", and insert "five thousand dollars (\$5,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 870**—An act to add a new article numbered 6a, consisting of Sections 446 to 453, inclusive, to Chapter 3 of Title 1, of Part 3 of the Political Code, creating the office of Auditor General, prescribing his powers and duties, and providing for the auditing and management of the fiscal and business affairs of the State.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 2 of the title, change 446 to 447, and 453 to 454, and strike out the period after "State"; in line 6 of title insert "and repealing Political Code Sections 658 and 679 and all other sections of the code in conflict herewith."

**Amendment No. 2**

Page 1, line 7, change 446 to 447, and in line 20, strike out 447.

**Amendment No. 3**

On page 1, line 22, of said bill, strike out "Auditing"; and strike out line 23 and insert "State Board of Control"; and on page 2 strike out lines 1, 2, and 3, and insert "with the approval of the Senate and Assembly."

**Amendment No. 4**

On page 2, line 5, of said bill, strike out "with the approval of the Auditing Com."; and in line 6 strike out "mission".

**Amendment No. 5**

On page 2, line 9, of said bill, strike out "He may be removed from"; and strike out lines 10 and 11, and insert "The Legislature by concurrent resolution, or the Board of Control may file dismissal charges with the State Personnel Board according to law."

**Amendment No. 6**

On page 2, line 12, of said bill, strike out "Auditing Commission to review"; and in line 13 strike out "the work of the", and after "General", strike out "and".

**Amendment No. 7**

On page 2, line 15, strike out "the", before "activities", and insert "his", and strike out "of the Auditor General".

**Amendment No. 8**

On page 2, line 16, of said bill, strike out "The commission"; and strike out lines 17, 18, and 19.

**Amendment No. 9**

On page 2, line 25, of said bill, strike out "with the approval of the Auditor General", and start the sentence with "The employees"; and in line 26, strike out "may", and insert "shall";

In line 29, strike out the period and insert "subject to the provisions of Article 11, Chapter 3, Title 1, Part 3 of this Code".

**Amendment No. 10**

On page 2, line 33, of said bill, beginning with "He shall", strike out the rest of the line and lines 34, 35, 36, 37, and 38 down to and including the word "month".

**Amendment No. 11**

On page 2, line 38, of said bill, strike out "also"; and in line 40 strike out "other".

**Amendment No. 12**

On page 3 of said bill, strike out lines 10 to 17, inclusive, and insert "The Auditor General shall submit a biennial report to the Legislature on the general financial condition of the State".

**Amendment No. 13**

On page 3, line 41, of said bill, after "discovered", insert "in his judgment"; and strike out these words from line 42.

**Amendment No. 14**

On page 4, line 2, strike out the comma after "of", and insert after "them", "during regular business hours".

**Amendment No. 15**

On page 4, add a new section, No. 454, as follows:  
"Sections 658 and 679 of the Political Code and all other acts or code sections in conflict herewith are hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1039**—An act to amend Section 116 of the Government Code, relating to reservations by the State with respect to land acquired in the State by the United States, its departments, agencies, and instrumentalities, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 16, of the printed bill, as amended, strike out "solely".

**Amendment No. 2**

On page 1, line 17, of said bill, after "condition", insert ", in addition to any conditions prescribed by other provisions of law,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1153**—An act to add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to the form of bonds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out line 9, and insert "bonds to a State department, office, board, commission or bureau in pursuance of State law".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 602**—An act to add Chapter 4 to Part 3 of the Harbors and Navigation Code, relating to the issuance of revenue bonds, and declaring emergency.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 812**—An act to amend Section 5005 of the Streets and Highways Code, relating to the definition of "cities" and extending the same to include resort districts formed under the provisions of Division 2 of the California Resort District Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 813**—An act to amend Section 5014 of the Streets and Highways Code, relating to the definition of "streets" and providing that the same shall include ways dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Division 2 of the California Resort District Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1177**—An act to add Section 592 to the Vehicle Code, relating to parked vehicles.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 527**—An act to amend Section 2800 of the Health and Safety Code, relating to pest abatement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 567**—An act to amend Sections 13352, 13361, 13377 and 13388, and to repeal Sections 13378 and 13395, of the Health and Safety Code, relating to buildings, equipment and operation of clothes cleaning establishments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2166**—An act to amend Section 8653 of the Health and Safety Code, relating to family interment plots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 537**—An act to amend Section 4041.11 of the Political Code, relating to the powers of boards of supervisors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1099**—An act to add Section 7d to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to phonographic reporters in municipal courts in cities of the one and one-half class, and providing for the compensation and retirement of such reporters.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1724**—An act to amend Sections 4, 10, 11 and 12, of, and to add Section 11.1 to, an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, firewardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemen's pension system.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 336**—An act to amend Sections 764 and 862.16 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of city councils in cities of the fifth and sixth class.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 780**—An act to amend Section 737p of the Political Code, relating to the salary of judges of the Superior Court in and for the County of Kings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 452**—An act adding Section 11.1 to, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to retirement.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 1 of the title of the printed bill, after the first comma, insert "and amending Section 10.5 of,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 2

On page 1 of the printed bill, following line 8, insert

"SEC. 2. Section 10.5 of the act cited in the title hereof is amended to read:

10.5. In the event that on or after June 1, 1940, any member shall have entered or shall hereafter enter the armed forces of the United States during war or National emergency proclaimed by the President or entrance into such service under the Congress of the United States or act of Congress providing for peacetime induction or conscription, and thereafter shall have returned to active service as a peace officer within ninety days after the termination of such service during such war emergency, he shall be deemed to have been in continuous service as a peace officer during the time he was in such armed forces of the United States; provided, that he shall have during the period of his absence from active duty, or shall have within [six months] *one year* after his return from active duty *and within such further time not exceeding an additional two years as may be granted by the board of retirement*, paid into said retirement fund an amount equal to the amount of contributions which he would have made had he remained on active duty."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1987**—An act to amend Section 152.5 of the State Civil Service Act, and to add Section 19391.5 to the Government Code, relating to the State civil service.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out the title of the bill, and insert "An act to amend Section 19533 of the Government Code, relating to layoffs in the State Civil Service."

**Amendment No. 2**

On pages 1 and 2 of the printed bill, strike out lines 1 to 26, inclusive, and lines 1 to 25, inclusive, respectively, and insert

**"SECTION 1. Section 19533 of the Government Code is amended to read:**

**19533.** Layoff shall be made in accordance with the relative efficiency and seniority of the employees of the class in which the layoff is to be made as determined by seniority and by performance reports on file with the board. *If layoff becomes necessary by reason of reinstatement of an employee or employees after military service as provided for in Section 19390, or by reason of demotion caused by reinstatement of an employee or employees after military service as provided in Section 19535, such layoff shall be made from the class in accordance with the relative efficiency and seniority in the following group sequence, and all persons in a group shall be laid off before any layoff is made in the next succeeding group: (1) Duration appointees; (2) Persons employed after September 16, 1940, and who subsequently did not enter military service; (3) Persons employed after September 16, 1940, and who subsequently entered the military service; and (4) All other employees. In the case of a tie in the report of performance and seniority combined scores, the person who entered military service would have preference and layoff shall be made in the above order.*

*Any layoff occurring within one year after reinstatement of an employee after military service shall be presumed to have been necessary by reason of the reinstatement of an employee or employees under Section 19390. In determining seniority, two points shall be allowed for each complete year of State service performing work which would fall in the series of classes related to the employee's present class.*

*For the purpose of this section, a person in the class in which the layoff is to be made whose appointment, transfer, or reinstatement to a permanent or probationary position in said class was made prior to September 16, 1940, shall be considered as being employed prior to September 16, 1940. A person who was reinstated after September 16, 1940, from a leave of absence which was granted prior to September 16, 1940, shall be considered as having been employed within the meaning of this section prior to September 16, 1940. When a person is reinstated from a resignation made subsequent to September 16, 1940, such reinstatement shall be considered as a new appointment. Any person appointed, transferred or reinstated to a permanent or probationary position prior to September 16, 1940, and who took a voluntary demotion subsequent to that date, shall be considered as having been originally appointed prior to September 16, 1940.*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2116**—An act to amend Section 1.5 of the Judges' Retirement Act, relating to the judges' retirement system, and providing for the inclusion of time served as a justice of the peace in computing service for the purpose of retirement.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 9, of said bill, strike out "if a person is serving as a justice of", and insert "if a person was serving as a justice of the".

**Amendment No. 2**

On page 1, line 10, of said bill, strike out "municipal or".

**Amendment No. 3**

On page 1, line 14, of said bill, strike out the period, and insert a comma and "provided said person shall have served at least ten years as a judge or justice of the Supreme Court, a district court of appeal or superior court immediately preceding his retirement and shall have paid into the judges' retirement fund a sum equal to the maximum amount required by law to be contributed by such judge or justice of the Supreme Court, district court of appeal or superior court."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 325**—An act to add Sections 1128, 1129, 1130, 1131 and 1132 to the Streets and Highways Code, relating to the laying out of private or byroads.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 3 of the title of the printed bill, strike out "private or".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 3 to 6 inclusive, and insert "1128. Any one or more freeholders who will be accommodated by a byroad, as defined in subdivision (6) of Section 1238 of the Code of Civil Procedure, and who are residents of a road district in which any part of such byroad is situated and are taxable therein for highway purposes, may petition the board of supervisors to open, lay out, or alter such byroad. In all other respects, and except as hereinafter specially provided, proceedings for such opening, laying out, or altering shall conform to the requirements of this article relating to highways generally."

**Amendment No. 3**

On page 2, line 3, of said bill, strike out "private or".

**Amendment No. 4**

On page 2, line 7, of said bill, strike out "private or".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Assembly Bill No. 2095**—An act to amend Section 585 of the Vehicle Code, relating to removal of unattended vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

Strike out lines 1 and 2 of the title, of the printed bill, as amended, and insert "An act to add Sections 585.1 and 592 to the Vehicle Code relating to the stopping or standing of utility vehicles and the removal of vehicles which constitute obstructions to traffic from a highway."

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 to 24, inclusive; and on page 2 strike out lines 1 to 39, inclusive, and insert:

"SECTION 1. Section 585.1 is hereby added to the Vehicle Code, to read:

585.1. Obstructions to Traffic. Any vehicle which is left standing upon a street or highway in an unusual position and which obstructs the normal movement of traffic may be removed from such street or highway by any officer referred to in Section 585 subject to the procedure therein provided.

SEC. 2. Section 592 is hereby added to the Vehicle Code, to read:

592. Stopping, Standing or Parking of Utility Vehicles. The foregoing restrictions in this chapter shall not apply to the driver or owner of any service vehicle owned or operated by a utility or public utility, whether privately, municipally or publicly owned, used in the construction, removal or repair of such utility or public utility property or facilities, when such vehicle is stopped, standing or parked at the site of work involving the construction, removal or repair of such utility or public utility property or facilities upon, in or under a street or highway, provided that when any such service vehicle is so stopped, standing or parked there shall be placed not less than two warning flags or barriers during daylight and not less than two warning lights or flares during the time referred to in Section 618 hereof, not less than ten (10) feet and not more than fifty (50) feet in advance of and to the rear of such vehicle."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Assembly Bill No. 466**—An act to add Sections 2981 and 2982 to the Civil Code, regulating conditional sale contracts on motor vehicles and providing penalties for violations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 3 of the printed bill, as amended, strike out lines 1 and 2, and insert "3. The amount unpaid on the cash price, which is the difference between".

**Amendment No. 2**

On page 3, line 10, of said bill, after "balance", insert ",".

**Amendment No. 3**

On page 3 of said bill, strike out line 13, and insert "time price differential, or any part thereof, is expressed as interest on unpaid installments before".

**Amendment No. 4**

On page 3, line 22, of said bill, after "tract", insert "for the sale of a motor vehicle, with or without accessories,".

**Amendment No. 5**

On page 3 of said bill, strike out lines 28 and 29, and insert "tional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 per cent of the unpaid balance multiplied by the number of months, including any excess fraction thereof as one month,".

**Amendment No. 6**

On page 3 of said bill, strike out lines 38 and 39, and insert "tract shall not be enforceable except by a purchaser for value, and the buyer may recover from the seller in a civil action three times the".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 675**—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund, repealing Chapter 100 of the Statutes of 1945, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In lines 3 and 4 of the title of the printed bill, as amended, strike out "repealing Chapter 100 of the Statutes of 1945,".

**Amendment No. 2**

On page 1, line 6, of said bill, following "resolution", insert "authorize the department to invest such excess money in bonds or interest bearing notes or obligations of the United States for which the faith and credit of the United States are pledged, for the payment of principal and interest. The department may, with the approval of the State Treasurer and of the Director of Finance, invest such excess funds in accordance with said resolution. All such bonds, notes or obligations purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of the State Highway Fund, and all interest thereon when collected shall be paid into and become a part of the State Highway Fund.

All investments under this section shall be liquidated as soon as the funds invested are required for State highway purposes."

**Amendment No. 3**

On page 1 of said bill, strike out lines 20 and 21; and on page 2 strike out lines 1 to 26, inclusive.



**Amendment No. 4**

On page 2, line 27, of said bill, strike out "3", and insert "2".

**Amendment No. 5**

On page 2, line 37, of said bill, strike out "dire".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 393**—An act to add Chapter 11 to Division 2 of the Streets and Highways Code, relating to the naming of streets and highways and the creation of a house-numbering system in unincorporated territory.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 749**—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1209**—An act to amend Section 705 of the Vehicle Code, relating to weight limitations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1566**—An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 902**—An act to amend Sections 331 and 338 of, and to add Sections 339 and 340 to, the Vehicle Code, relating to drivers' licenses.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 2, of the title of the printed bill, strike out "tions 339 and 340 to," and insert "tion 339 to".

**Amendment No. 2**

On page 2 of the printed bill, as amended, strike out lines 36 to 42, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 485**—An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 485?

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "contrary", insert "and in accordance with such rules as the governing board of the district maintaining the junior college may adopt".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 485 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 261**—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to add Sections 7105.1 and 7137.1 to said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Article 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, and 10604 of said code, all relating to the Public School System.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 261?

##### Amendment No. 1

In line 5 of the title of the printed bill, as amended, strike out "Articles 1 and 3", and insert "Article 1".

##### Amendment No. 2

On page 2, line 27, of said bill, after the comma, insert "evening high schools,".

##### Amendment No. 3

On page 2, line 28, of said bill, after the comma, insert "special classes of high schools,".

##### Amendment No. 4

On page 3, line 21, of said bill, strike out "Articles 1 and 3", and insert "Article 1".

##### Amendment No. 5

On page 3, line 22, of said bill, strike out "are", and insert "is".

##### Amendment No. 6

On page 4 of said bill, following line 15, insert

"SEC. 14. Sections 2, 3, 10, 11, 12 and 13 of this act shall take effect July 1, 1946."

##### Amendment No. 7

On page 2, line 22, of said bill, strike out "or Federal".

##### Amendment No. 8

In line 5 of the title of the printed bill, as amended, strike out "1", and insert "3".

##### Amendment No. 9

On page 3, line 26, of said bill, strike out "1", and insert "3".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 261 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 131**—An act to amend Sections 1501 and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

**Motion to Reconsider Waived**

Senator Crittenden waived his motion to reconsider the vote whereby Senate Bill No. 131 was passed.

Senate Bill No. 131 ordered transmitted to the Assembly.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 1079**—An act to add Section 47 to the Unemployment Insurance Act, relating to unemployment insurance and the publication of the rate of taxation thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1084**—An act to amend Sections 67 and 68 of the Unemployment Insurance Act, relating to unemployment insurance and the limitation on benefit appeals thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1087**—An act to amend Section 72 of the Unemployment Insurance Act, relating to unemployment insurance and the payment of benefits pending appeals thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1131**—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title 12 of the Social Security Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.34 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the appointment of Harvey E. Hastain was confirmed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing Tenney, Ward, and Weybret—36.

**NOES**—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Harvey E. Hastain as a member of the Fish and Game Commission.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m., having arrived, Assembly Bill No. 244 was taken up.

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

Bill read third time, and presented by Senator Crittenden.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Joint Resolution No. 21**—Relative to memorializing Congress to support H. R. 2867 and S. R. 868, authorizing annual payments to States, for the benefit of their local political subdivisions, based on the fair value of the National-forest lands situated therein.

Resolution read.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillingier, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

Sacramento 14, May 22, 1945

*To the Honorable Members of the Senate,*

*State of California  
Sacramento, California*

**GREETINGS:** The vital importance of basic industry in California as a foundation for full employment in the postwar years, has been repeatedly emphasized. Attention has been directed to it by the report of the Assembly Interim Committee on Postwar Rehabilitation, and by the reports submitted to you by the Reconstruction and Reemployment Commission.

Of all the war-induced development of industry in our State, no unit is of greater importance than the Fontana Steel Mill. Constructed for war needs, it can become a foundation for great industrial advances in peacetime.

The fact that this is a daring venture of private enterprise as distinguished from one dependent upon Government initiative alone makes its conversion problems different from those of any Government owned facility. I am gratified to note that all Members of Congress from California have directed a letter to Honorable John Snyder, Federal Loan Administrator, inviting his attention to the need for early and constructive decisions to make possible the preservation of this enterprise.

There is a common National concern over the need for such preservation and expansion of industry as will promote full employment. We may assume that there will be a common interest in a course of action which will insure a competitive opportunity for this vital California enterprise. But we cannot safely assume that the officials of the National Government are as conscious as we, and as the California Members in Congress, of the four immediate concerns which face us.

The first is that a truly competitive opportunity be insured for this enterprise promptly.

The second is that the postwar operation of this and similar Western facilities be in the hands of those who have both intelligent self interest and intelligent public interest in the development of the Western economy.

The third is that in the reconversion of this, as well as other Western war industries, the fullest consideration should be given to programs which contemplate the continued operation of these plants by those who pioneered them, not only as a recognition of what they have done to balance our economy but also as additional assurance to people in interdependent enterprises that a determined effort will be made here in peacetime to perpetuate and expand the opportunities which they have created.

The fourth is that the Federal Government act immediately on conversion policy for the Fontana plant and other basic Western industry.

For these reasons I am respectfully suggesting for consideration of the Senate and the Assembly the adoption of an appropriate resolution expressing the concern of the Legislature for prompt action to make possible the retention of this basic industry as a unit of our postwar competitive economy. I am further suggesting that a copy of such resolution as may be adopted by you be transmitted to the Honorable John Snyder, Federal Loan Administrator.

Respectfully submitted.

EARL WARREN, Governor

Message read and ordered printed in the Journal.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 25:** By Senator Swing—Relative to memorializing the officers and agencies of the Federal Government to take immediate action for the conversion of the Kaiser Steel Plant at Fontana, California, to a peace time industry.

## Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 25, at this time, for consideration.

## CONSIDERATION OF SENATE JOINT RESOLUTION NO. 25

**Senate Joint Resolution No. 25**—Relative to memorializing the officers and agencies of the Federal Government to take immediate action for the conversion of the Kaiser Steel Plant at Fontana, California, to a peace time industry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senator Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—37.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 153**—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 and to repeal Section 501 of the Agricultural Code, relating to inspection of milk and milk products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Sutton, Swing, and Tenney—24.

**NOES**—Senators Breed, Desmond, Judah, Keating, Kuchel, McBride, Salsman, Shelley, Slater, Ward, and Weybret—11.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 7**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article VI thereof a new section to be numbered 8½, relating to nominations or appointments to fill vacancies in the office of judge of a superior court or of any court of record inferior to the superior court.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

**AYES**—Senators Biggar, Breed, Collier, DeLap, Dillinger, Dilworth, Jespersen, Keating, Kuchel, Mixter, Seawell, Slater, Ward, and Weybret—14.

**NOES**—Senators Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, McBride, Parkman, Powers, Quinn, Rich, Salsman, Sutton, Swing, and Tenney—23.

**Senate Bill No. 1175**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 67**—An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 52**—Relative to the diversion of water from Donner Lake.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 134**—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—Senators Carter, Deuel, Dilworth, Donnelly, and Rich—5.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

#### Motion to Re-refer Senate Bill No. 615

Senator Dilworth moved that Senate Bill No. 615 be re-referred to Committee on Agriculture.

**Motion to Set Special Order**

Senator Desmond moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 615, and the same be made a special order of business on Thursday, May 24, 1945, at 2 p.m.

The president ruled that the motion of Senator Desmond take precedence over the motion of Senator Dilworth.

**Previous Question**

Senator Rich moved the previous question.

Motion carried.

**Roll Call Demanded**

Senators Dilworth, Hulse, and Quinn demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Burns, Carter, Desmond, Donnelly, Jespersen, Keating, Salsman, Shelley, and Slater—9.

NOES—Senators Biggar, Bréed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Sutton, and Weybret—25.

The question being on the motion of Senator Dilworth to re-refer Senate Bill No. 615 to the Committee on Agriculture.

**Motion to Amend**

Senator Rich moved to amend the motion of Senator Dilworth as follows: That after Senate Bill No. 615 has been heard by the Committee on Agriculture, that Senate Bill No. 615 be referred back to the Senate for further consideration.

**Previous Question**

Senator Gordon moved the previous question.

Motion carried.

The question being on the amendment by Senator Rich to the motion of Senator Dilworth.

Motion carried.

The question being on the motion of Senator Dilworth, as amended.

Motion carried.

Senate Bill No. 615 ordered re-referred to the Committee on Agriculture.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Swing:



**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend the title and Sections 1, 2, 3, 4, 5 and 7 of an act entitled "An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to a Disaster Reserve and providing for its expenditure.

Respectfully submitted.

SENATOR SWING

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 23, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1300:** By Senator Swing—An act to amend the title and Sections 1, 2, 3, 4, 5 and 7 of an act entitled "An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to a Disaster Reserve and providing for its expenditure.

Referred to Committee on Governmental Efficiency.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 196**

Senator Keating moved that Senate Bill No. 196 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to Committee on Finance.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 196**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for the medical center under the jurisdiction of the Department of Corrections.

Bill read second time.

**Motion to Amend**

Senator Keating and Slater moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of said bill, strike out "to be expended pursuant to", and after "appropriation", insert "to the Department of Administrative Procedure."

**Amendment No. 2**

In the title of said bill, strike out lines 2 through 4 inclusive.

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 through 8 inclusive, and insert "SECTION 1. The sum of One Hundred and Ninety-five Thousand Dollars (\$195,000) is hereby appropriated to the Department of Administrative Procedure out of any money in the State Treasury not otherwise appropriated."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

**Senate Joint Resolution No. 26.** By Senators Hulse and Swing—Relative to the destruction of agricultural crops by wild ducks.

Referred to Committee on Fish and Game.

**Senate Joint Resolution No. 27:** By Senators Tenney, Burns, Breed, Weybret, Brown, Parkman, and Fletcher—Relative to current movements for a lenient peace with Japan, and memorializing the President and Congress to insist upon complete and unconditional surrender.

**Request for Unanimous Consent**

Senator Tenney asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 27, at this time, for consideration.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 27**

**Senate Joint Resolution No. 27**—Relative to current movements for a lenient peace with Japan, and memorializing the President and Congress to insist upon complete and unconditional surrender.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Swing, Tenney, and Weybret—23.

**NOES**—Senator Dillinger—1.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1219**—An act to amend Sections 13059.2, 16441 and 16443 of the Education Code, relating to school supervisors of health.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 19, of the printed bill, as amended, strike out "nurse," and insert "or nurse not employed in such capacity by the State Department of Public Health,".

**Amendment No. 2**

On page 2, line 20, of said bill, strike out "or other person".

**Amendment No. 3**

On page 2, line 20, of said bill, after "be", insert ", nor shall any other person be,".

**Amendment No. 4**

On page 2, line 20, of said bill, after "to", insert "supervise".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 139**—An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Sections 1515.1 and 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

On page 3, line 15, of the printed bill, as amended, strike out "10", and insert "5".

**Amendment No. 2**

On page 3, line 16, of said bill, strike out "10", and insert "5".

**Amendment No. 3**

On page 3, line 24, of said bill, strike out "10", and insert "5".

**Amendment No. 4**

On page 3, line 28, of said bill, strike out "10", and insert "5".

**Amendment No. 5**

On page 3, line 44, of said bill, strike out "10", and insert "5".

**Amendment No. 6**

On page 3, line 48, of said bill, strike out "10", and insert "5".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Burns moved that Senate Bill No. 101 be taken from the inactive file and placed on the second reading file.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1239**

Senator Tenney moved that Senate Bill No. 1239 be withdrawn from Committee on Labor for purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1239**—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees with foreign philosophies of government.

Bill read second time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

## Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 4 to 11, inclusive, and insert "to prohibit an employer from refusing to hire any".

## Amendment No. 2

On page 1 of said bill, strike out lines 21 to 24, inclusive; and strike out all of page 2, and insert "ernment of the United States or of this State by force, violence, or other unlawful means."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

And appointed Messrs. Dickey, Call, and Beck as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Rich, Jespersen, and Crittenden as a Senate Committee on Conference concerning Assembly Bill No. 244 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

And appointed Messrs. Fourt, Field, and Robertson as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Breed, and Biggar as a Senate Committee on Conference concerning Assembly Bill No. 272 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 293  
Senate Bill No. 339  
Senate Bill No. 359  
Senate Bill No. 783  
Senate Bill No. 911  
Senate Bill No. 912  
Senate Bill No. 913

Senate Bill No. 915  
Senate Bill No. 916  
Senate Bill No. 917  
Senate Bill No. 918  
Senate Bill No. 919  
Senate Bill No. 972  
Senate Bill No. 1267

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 78  
Senate Bill No. 238  
Senate Bill No. 670

Senate Bill No. 796  
Senate Bill No. 910

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1723

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 403  
Assembly Bill No. 405  
Assembly Bill No. 406  
Assembly Bill No. 848  
Assembly Bill No. 1210  
Assembly Bill No. 1490

Assembly Bill No. 1561  
Assembly Bill No. 1880  
Assembly Bill No. 1898  
Assembly Bill No. 2164  
Assembly Bill No. 2173  
Assembly Bill No. 2181

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 403**—An act to amend Sections 2939 and 2940 of the Civil Code, relating to mortgages.

Referred to Committee on Judiciary.

**Assembly Bill No. 405**—An act to amend Section 4300c of the Political Code, relating to the fees of county recorders.

Referred to Committee on Local Government.

**Assembly Bill No. 406**—An act to repeal Sections 4133 of the Political Code, relating to recording of certificate of sale.

Referred to Committee on Judiciary.

**Assembly Bill No. 848**—An act making an appropriation for the support of the Youth Authority, to take effect immediately.

Referred to Committee on Institutions.

**Assembly Bill No. 1210**—An act to add Article 4 comprising Sections 16470 to 16476, inclusive, to Chapter 3 of Part 2 of Division 4 of the Government Code, relating to investment of surplus State funds, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1490**—An act to add Section 1308 to the Education Code, relating to superintendents, associate superintendents and assistant district superintendents of schools of unified school districts.

Referred to Committee on Education.

**Assembly Bill No. 1561**—An act to add Section 2537 to, and to repeal Section 2533.1 of the Education Code, relating to adding territory or excluding territory from school districts.

Referred to Committee on Education.

**Assembly Bill No. 1880**—An act to amend Section 772 of the Probate Code, relating to to executors' or administrators' sales of personal property.

Referred to Committee on Judiciary.

**Assembly Bill No. 1898**—An act to add Section 10003 to Part 1 of Division 6 of the Water Code, relating to the appropriation of water and priorities thereof.

Referred to Committee on Water Resources.

**Assembly Bill No. 2164**—An act to amend the title and Section 2 of an act entitled "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, relating to joint county and municipal buildings.

Referred to Committee on Local Government.

**Assembly Bill No. 2173**—An act to add Section 4703 to the Education Code, relating to the establishment of classes for educating wards of a juvenile court, to be located outside of the boundaries of a unified school district.

Referred to Committee on Education.

**Assembly Bill No. 2181**—An act to amend Section 13103 of the Education Code, relating to substitute employees of school districts.

Referred to Committee on Education.

## REPORTS OF STANDING COMMITTEES

### Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1102

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

WARD, Vice-Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1101

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

WARD, Vice-Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Joint Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

WARD, Vice Chairman

Above reported resolution ordered to third reading.

### Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 805

Assembly Bill No. 1324

Senate Bill No. 564

Assembly Bill No. 1325

Assembly Bill No. 1318

Assembly Bill No. 1332

Assembly Bill No. 1320

Assembly Bill No. 1424

Assembly Bill No. 1321

Assembly Bill No. 1783

Assembly Bill No. 1323

Assembly Bill No. 1331

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

MCBRIDE, Chairman

Above reported bills ordered to second reading.

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 7**—An act to add Section 162 to the Agricultural Code, relating to the destruction of predatory animals and the use of methods and devices intended for that purpose.

**Senate Bill No. 591**—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

**Senate Bill No. 984**—An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business.

**Senate Bill No. 179**—An act to amend Sections 10137, 10162, 10176, 10200, 10208, 10213, 10258, 10285, 10301, 10320, 10328, 10333, 10386, 10401, 10420, 10427, 10432, 10460, 10461, 10525, 10561, 10580, 10588, and 10593 of, and to add Sections 10080.5, 10141, 10142, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

**Senate Bill No. 170**—An act to amend Section 737u of the Political Code, relating to the salary of superior court judges.  
And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1945, at 2 p.m.

SEAWELL, Chairman

#### ADJOURNMENT

At 5.10 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 24, 1945, out of respect to the memory of the late James Lewis Matthews.

JOHN F. LEA, Minute Clerk



**Amendment No. 8**

On page 2, line 2, of said bill, after the period, insert "The credit shall be allowed after computation of the amount necessary to redeem."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 796 by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, Dillinger, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—25.  
NOES—None.

Above bill ordered enrolled.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 630**—An act to amend Sections 6500 and 6512 of the Business and Professions Code, relating to the appointment and compensation of members of the State Board of Barber Examiners.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in.

SALSMAN

SUTTON

SHELLEY

Senate Committee on Conference

KING

HAGGERTY

THOMPSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.  
NOES—None.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 411**—An act to repeal Section 169 of the Fish and Game Code, relating to game refuges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 793**—An act to add Section 3522 to the Revenue and Taxation Code, relating to tax deed invalidity defense, and to add Section 2911.5 to the Civil Code, relating to statute of limitations and extinguishment of liens by lapse of time and termination of same and quiet title actions in respect thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

Strike out the title of the printed bill, as amended, and insert "An act to add Section 749.5 to the Code of Civil Procedure, relating to determination of adverse claims to real property."

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 17 inclusive; and all of page 2 of said bill and insert

"SECTION 1. Section 749.5 is added to the Code of Civil Procedure, to read:  
749.5. All persons claiming any right, title or interest upon real property by reason of any street improvement bond or assessment lien, who having failed to foreclose such

bond or assessment lien or failed to proceed to have said real property sold to satisfy such bond or assessment lien by the proper governmental authority qualified to make such sale of said real property against which such improvement bond was issued or such assessment lien was levied within the time provided by the Code of Civil Procedure or any other statute of limitation to bring an action to foreclose such bond or assessment lien, may be included in the complaint to determine the adverse claims to and clouds upon title to real property mentioned in the preceding section; provided that the limitation of time within which to bring such action expired more than three years and taxes are delinquent and unpaid for fourteen years or more prior to the filing of said complaint."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 1218**—An act to amend Sections 7351, 8353, 8353.5 and 8355 of the Revenue and Taxation Code, relating to motor vehicle fuel license tax and distribution of the proceeds thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Sections 7351, 8353, 8353.5 and 8355 of", and insert "add Sections 7351.5 and 8651.5 to".

##### Amendment No. 2

In lines 2 and 3, of the title of said bill, strike out "motor vehicle fuel license tax", and insert "an increase in the rate of tax imposed by the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law".

##### Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 7351.5 is added to the Revenue and Taxation Code, to read: 7351.5. For the privilege of distributing motor vehicle fuel a license tax, in addition to that imposed by Section 7351, is hereby imposed upon distributors at the rate of one and one-half cents (\$.01½) for each gallon of fuel distributed by them in this State.

SEC. 2. Section 8651.5 is added to the Revenue and Taxation Code, to read:

8651.5. An excise tax, in addition to the tax imposed by Section 8651, is hereby imposed at the rate of one and one-half cents (\$.01½) per gallon on the use of fuel by any user thereof.

SEC. 3. While Sections 7351.5 and 8651.5 of the Revenue and Taxation Code are in effect, the amount payable quarterly to each county under the first subdivision of Section 8353 of the Revenue and Taxation Code is increased from seven thousand five hundred dollars to fifteen thousand dollars, and Sections 8353.5 and 8355 and any other provision of law in referring to said seven thousand five hundred dollars in said first subdivision shall be construed to refer to fifteen thousand dollars. The Legislature intends that the proceeds derived from the taxes imposed by Sections 7351.5 and 8651.5 are appropriated and will be distributed and paid pursuant to the same provisions as govern the proceeds derived from the taxes imposed by Sections 7351 and 8651 of the Revenue and Taxation Code."

##### Amendment No. 4

On page 1 of said bill, strike out lines 2 to 27, inclusive; and strike out all of page 2 of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 1102**—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 2 of the printed bill, after line 33, insert "attending such meetings where the corporation or association is not subject to the Federal Unemployment Tax Act."

**Amendment No. 2**

On page 2 of the printed bill, strike out line 40.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1101**—An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act, relating to definitions contained therein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 805**—An act to amend Section 35 of the Bank and Corporation Franchise Tax Act, relating to the confidential nature of tax returns.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to loans, charges and the establishment of offices and places of business.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 101**—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1294**—An act to amend Section 951 of the Fish and Game Code, relating to trawl nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1295**—An act to amend Section 953 and to repeal Section 958 of the Fish and Game Code, relating to use of trawl nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1296**—An act to amend Section 959 of the Fish and Game Code, relating to dip nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1298**—An act to repeal Section 950 of the Fish and Game Code, relating to halibut nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1299**—An act to amend Section 900 of the Fish and Game Code, relating to trammel nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1300**—An act to amend Section 920 and to repeal Section 926 of the Fish and Game Code, relating to round haul nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1364**—An act to amend Section 40 of the Fish and Game Code, relating to county game wardens.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2004**—An act to add Section 450.5 to the Fish and Game Code, relating to goggle fishing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 11**—An act to add Section 957.5 to the Fish and Game Code, relating to the use of nets.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 13, inclusive, and insert "957.5. Between August 1 and January 31, in Districts 6, 7, 10, 17, 18, 19, and 20, gill nets with meshes of not less than nine and one-half inches may be used to take soup-fin sharks."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1430**—An act to amend Section 31.5 of the Fish and Game Code, relating to powers of the commission.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend", and insert "repeal".

##### Amendment No. 2

On page 1, line 2, of said bill, strike out "amended to read:", and insert "repealed."

##### Amendment No. 3

On page 1 of said bill, strike out lines 3 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1281**—An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 280**—An act to repeal Part 4, comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, relating to the motor vehicle transportation tax.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1318**—An act to amend Section 4061 and to repeal Section 385 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1320**—An act to amend Sections 1584 and 1591 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1321**—An act to amend Sections 1649, 1652, 1678, 1679, 1691, 1691.3, 1706, 1708, 1709, 1720.1, 1808, 1810.5, 1810.7, and 1811 of the Insurance Code, to repeal Section 1708.6 of the Insurance Code, to add Sections 1678.5, 1679.1, 1690.4, 1708.7, 1709.1, 1807.7, and 1831.95 to the Insurance Code and to add to Chapter 5, Part 2, Division 1 of said code a new article to be numbered 3.5 comprising Section 1740; all relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1323**—An act to amend Sections 1691, 10310, 10333, 10334, 10339, and 10343 of the Insurance Code, and to add to Chapter 4, Part 2, Division 2 of the Insurance Code a new article to be numbered 2.5 and to be comprised of a new section numbered 10295, all relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1324**—An act to add Section 10331.5 to the Insurance Code and to amend Sections 10332, 10335, 10338, 10340, 10341, 10342 and 10344 of the Insurance Code, all relating to standard provisions for disability insurance policies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1325**—An act to amend Section 10380 of the Insurance Code, relating to disability insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1332**—An act to repeal Sections 1560 and 1561 of the Insurance Code, relating to conditions of doing business applicable to foreign insurers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1424**—An act to amend Section 911 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1783**—An act to add Article 3, comprising Section 10540, to Chapter 6 of Part 2 of Division 2, of the Insurance Code, relating to the payment of premiums to life insurers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1331**—An act to amend Section 12924 of the Insurance Code, relating to the production of evidence before the Insurance Commissioner.

Bill read second time, and ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Rich asked for, and was granted, unanimous consent to have a pamphlet of instruction regarding the Budget Bill printed.

**RECESS**

At 2.12 p.m., on motion of Senator Tenney, the Senate recessed to hear the remarks of Richard Tregaskis, of New York, War Correspondent, and author of "Guadalcanal Diary."

**REASSEMBLED**

At 2.17 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 675**—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund, and declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senator Weybret Presiding**

At 2.24 p.m., Senator Fred Weybret of the Twenty-fifth District, presiding.

**Assembly Bill No. 274**—An act to amend Section 19616 of the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Carter.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—27.

**NOES**—Senators Desmond, Dilworth, Fletcher, McBride, and Tenney—5.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.

NOES—Senators Burns, Desmond, Gordon, and Tenney—4.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 2087**—An act to amend Sections 6 and 10 of and to add Section 6a to the Minors Emergency War Employment Act, relating to working conditions of minor employees essential to the war effort.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 114**—An act to amend Section 5800 of the Labor Code of the State of California relating to workmen's compensation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Quinn, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 270**—An act to add Sections 2262.1, 2262.2, 2262.3 and 2262.4 to, and to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 14**—An act to amend Section 4131 of the Political Code, relating to writings to be recorded.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Deuel, Dillinger, Dilworth, Gordon, Jespersen, Keating, Mixer, Quinn, Rich, Salsman, Slater, Swing, Tenney, and Weybret—15.

NOES—Senators Carter, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Fletcher, Hatfield, Kuchel, McBride, Parkman, Seawell, Shelley, Sutton, and Ward—16.

## Senator Desmond Presiding

At 3.22 p.m., Senator Earl D. Desmond of the Nineteenth District, presiding.

**Assembly Bill No. 1285**—An act to amend Sections 375, 375.5, 376, 378 and 379 of, and to add Section 380 to the Fish and Game Code, relating to Federal acquisition of lands.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 701**—An act to amend Section 429.5 of the Fish and Game Code, relating to free fishing licenses for members of the armed forces of the United States.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Ward, and Waybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 702**—An act to amend Section 38 of the Fish and Game Code, relating to powers and duties of the commission.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1952**—An act to amend Section 117 of the Vehicle Code, relating to promotions.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1502**—An act to amend Sections 6005, 6006, 6010, 6011, 6012, 6563, 6701 6901, 6907, and 6935 of the Revenue and Taxation Code and to add Section 6402 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read third time.



**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 45, of the printed bill, as amended, strike out "Government agency", and insert "unincorporated agency or instrumentality".

**Amendment No. 2**

On page 3, line 1, of the printed bill, as amended, strike out "'Government agency,"".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1510**—An act to amend Sections 8606, 8704, 8754, 8828, 8951, 8995 and 9151 of and to add Section 9154 to the Revenue and Taxation Code, relating to the definition of the term "person," the administration of the use fuel tax and refunds of the tax.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1237**—An act to amend Sections 692, 693, 694, and 695 of the Fish and Game Code, relating to striped bass.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "692, 693, 694, and 695", and insert "692 and 693".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 18, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1238**—An act to amend Section 18760 of the Business and Professions Code, relating to boxing and wrestling.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1925**—An act to amend Section 2450 and Section 2452 of the Business and Professions Code, relating to chiropody.

Bill read third time, and presented by Senator Slater.

The roll was called, and the bill passed by the following vote:

AYES—Senators, Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kuchel, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 130**—An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

Bill read third time.

#### Motion to Amend

Senator Burns moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "county", insert ", having a population of one million or more,".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Kuchel, McBride, Quinn, Seawell, Sutton, Swing, and Weybret—20.

NOES—Senators Biggar, Carter, Crittenden, Dillinger, Donnelly, Fletcher, Judah, Keating, Mixter, Parkman, Shelley, and Slater—12.

#### MOTION TO RECONSIDER

Senator Carter moved to reconsider the vote whereby Assembly Bill No. 130 was amended.

#### POSTPONEMENT OF RECONSIDERATION

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 130 was amended, was continued until the next legislative day.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1420**—An act to amend Section 2969 of the Civil Code, relating to levy of attachments and executions on personal property.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 338**—An act to add Sections 1428.1, 1428.2, and 1428.3 to the Penal Code, relating to procedure in criminal cases in municipal, police and justices' courts.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 389**—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dilworth, Dorsey, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mixer, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—24.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 305**—An act to add Section 1238.1 to the Code of Civil Procedure, relating to eminent domain.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mixer, Parkman, Seawell, Slater, Sutton, Tenney, and Weybret—22.

NOES—Senators Desmond, Donnelly, Hulse, Judah, and McBride—5.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1706**—An act to amend Section 131.5 of the Civil Code, relating to interlocutory judgments of divorce.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 151**—An act to amend Section 714 of, and to add Sections 717.1 and 717.2 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

**Motion to Re-refer Assembly Bill No. 151**

Senator DeLap moved that Assembly Bill No. 151 be re-referred to Committee on Judiciary.

Motion carried.

**Assembly Bill No. 949**—An act to add Section 1060.1 to the Probate Code, relating to deposit of money or property with the county treasurer.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Rich, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 574**—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 950**—An act to amend Section 1027 of the Probate Code, relating to the distribution of estates and notice to the State Controller.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 4:41 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 951**—An act to add Section 1274bb to the Code of Civil Procedure, relating to the escheat of property paid or deposited in Federal courts.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

Bill read third time.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 14, of the printed bill, as amended, after "power", insert "upon being authorized so to do by vote of the majority of the electors thereof voting on the proposition of conferring such power, at a regular or special election at which such proposition shall be submitted,".

**Amendment No. 2**

On page 2, line 20, of said bill, strike out "other".

Amendments read. Further consideration continued to next legislative day on request of Senator DeLap.

**RESOLUTIONS**

The following resolution was offered by Committee on Rules:

**Senate Resolution No. 112**

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant from the Contingent Fund of the Senate in the sum of Two Thousand Eighty-seven and 61/100 Dollars in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same:

Department of Finance-----	\$ 147 29
Bureau of Purchases-----	108 85
Pacific Telephone and Telegraph Company-----	192 20
Western Union-----	122 89
Cascade Towel Supply Company-----	9 50
Railway Express Agency-----	6 88
Postage (for mailing dept.)-----	1,500 00
	<hr/>
	\$2,087 61

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

**NOES**—None.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 800

And reports the same correctly engrossed.

SEAWELL, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the

Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, 47.5, 59.6, and 61.3, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

In lines 7 and 8 of the title of the printed bill, as amended, strike out "47.5, 59.6, 38g, and 61.3", and insert "and 47.5".

**Amendment No. 2**

On page 20, line 2, of the printed bill, after the period following "act", strike out the balance of said line, and all of lines 3, 4 and 5.

**Amendment No. 3**

On page 31 of the printed bill, strike out lines 9 to 28 inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 630**—An act to amend Sections 6500 and 6512 of the Business and Professions Code, relating to the appointment and compensation of members of the State Board of Barber Examiners.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 774  
Assembly Bill No. 957

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 677  
Assembly Bill No. 1359  
Assembly Bill No. 1477  
Assembly Bill No. 1579

Assembly Bill No. 1930  
Assembly Bill No. 1932  
Assembly Bill No. 2071  
Assembly Bill No. 2209

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bills were read the first time:

**Assembly Bill No. 677**—An act to amend Sections 2, 3, 4, 6, 7, and 9 of "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products

and fixing penalties for violation of the provision thereof," approved June 3, 1921, relating to the sale and return of bakery products.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1359**—An act to add Sections 81a, 81b, 81c, 274cc, 982a and 982b to the Code of Civil Procedure, to amend Section 655 of the Code of Civil Procedure, to amend Sections 4300f and 4300l of the Political Code, and to amend Section 6323 of the Business and Professions Code, relating to the establishment of justices' courts of Class AA, prescribing their procedure and jurisdiction, the appointment of phonographic reporters therein, and providing for the method of appeal therefrom.

Referred to Committee on Judiciary.

**Assembly Bill No. 1477**—An act to amend Section 19597 of, and to add Section 19597.5 to, the Business and Professions Code, relating to the disposition of moneys wagered on the results of horse racing.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1579**—An act to amend Section 38 of the Alcoholic Beverage Control Act.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1930**—An act to add Sections 7303.5, 7307.5 and 7226.5 to the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1932**—An act to amend Section 4174 of the Business and Professions Code, relating to pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2071**—An act to amend Section 259 of the Probate Code and to repeal Sections 259.1 and 259.2 of the Probate Code, relating to the rights of inheritance of aliens.

Referred to Committee on Judiciary.

**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 46

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolutions were read:

**Assembly Joint Resolution No. 46**—Relative to improving the channel of the Sacramento River and restoring its navigability.

Referred to Committee on Water Resources.

**Assembly Joint Resolution No. 16**—Relative to memorializing Congress to enact legislation to establish permanent military and naval academies on the Pacific and Gulf Coasts.

Referred to Committee on Military and Veterans Affairs.

**REPORTS OF STANDING COMMITTEES****Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1297

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILWORTH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILWORTH, Chairman

Above reported resolution ordered to third reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 934

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

**Committee on Social Welfare**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 629

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice-Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Assembly Bill No. 1537

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

WARD, Vice-Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Senate Joint Resolution No. 22

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice-Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:  
Senate Constitutional Amendment No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice-Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 104

Assembly Bill No. 278

Assembly Bill No. 831

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice-Chairman

Above reported bills ordered to second reading.

#### Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 226

Assembly Bill No. 298

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1172

Assembly Bill No. 217

Assembly Bill No. 805

Assembly Bill No. 2042

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 835

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**ADJOURNMENT**

At 4.55 p.m., on motion of Senator DeLap, the President declared the Senate adjourned until 10 a.m., Friday, May 25, 1945.

JOHN F. LEA, Minute Clerk

**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

SEVENTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-EIGHTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Friday, May 25, 1945

The Senate met at 10 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator DeLap, account of Legislative business.

Senator Swing, on motion of Senator Rich, account of Legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senators Biggar, Gordon, and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Private Charles G. Otterson, U. S. Army, of Napa.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Harold Swan, former Member of the Senate; Bert Meek, Jr., James Wood, and Jack Paine, all of the School of Jurisprudence, University of California, Berkeley.

**Amendment No. 2**

On page 1 of said bill, after line 13 insert

"SEC. 2. Said Mountain Home Tract shall be preserved as nearly as possible in virgin state, and shall be devoted to multiple public use for hunting, fishing and recreation. In future acquisitions and exchanges of land in accordance with the provisions of the State Statutes the acreage in State ownership shall not be reduced below 4,000 acres."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Constitutional Amendment No. 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new article thereto to be numbered XVIa, relating to pensions.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 2, line 2, of said measure, strike out "shall", and insert "may".

**Amendment No. 2**

On page 2 of said measure, strike out lines 5 to 21, inclusive.

**Amendment No. 3**

On page 2, line 22, of said measure, strike out "SEC. 6. Such pension", and insert "SECTION 3. Any such pension granted under the authority conferred by this article".

**Amendment No. 4**

On page 2 of said measure, strike out lines 26 to 47, inclusive.

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Social Welfare.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 83**—An act to amend Section 783 of the Penal Code, relating to jurisdiction of offenses committed on vessels navigating State waters or on railroad trains or cars or on aircraft.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1755**—An act amending Section 1952 of the Code of Civil Procedure, relating to the destruction or other disposition of depositions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1757**—An act to amend Section 925 of the Probate Code, relating to vouchers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1176**—An act to amend Section 644 of the Penal Code, relating to habitual criminals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1173**—An act to amend Section 702 of the Probate Code, relating to affidavit of publication.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1168**—An act to amend Section 1277 of the Code of Civil Procedure, relating to changes in names of persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 491**—An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 866**—An act to add Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, to the Probate Code, and to amend Section 1963 of the Code of Civil Procedure, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law relating thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 806**—An act to amend Section 9 of the California Airport District Act, relating to the powers of airport districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 807**—An act to amend the title of and to add Section 6 to "An act authorizing and empowering any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation in the State of California to acquire land and construct and complete improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of hangers for storing aircraft; permitting use for said purposes of property owned for park purposes; providing for the incurring of indebtedness and issuing bonds; validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purposes and of the proceedings leading up to the issuance and the proposed issuance of any such purpose and to levy taxes for such purposes," approved April 28, 1927, relating to the acquisition of airspace and easements therein by counties, city and counties, and cities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2043**—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1524**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1650.5, 1661.5, 1662.5, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "1656,".

**Amendment No. 2**

In line 4 of the title of said bill, strike out "1650.5, 1661.5, 1662.5," and insert "1661.5, 1662.5, 1664,".

**Amendment No. 3**

On page 2 of said bill, strike out lines 6 to 19, inclusive.

**Amendment No. 4**

On page 2, line 20, of said bill, strike out "3", and insert "2".

**Amendment No. 5**

On page 2, line 25, of said bill, strike out "4", and insert "3".

**Amendment No. 6**

On page 2, line 27, of said bill, after "filed", insert "in any court of competent jurisdiction".

**Amendment No. 7**

On page 3, line 3, of said bill, strike out "5", and insert "4".

**Amendment No. 8**

On page 3, line 12, of said bill, strike out "6", and insert "5".

**Amendment No. 9**

On page 3, line 23, of said bill, strike out "7", and insert "6".

**Amendment No. 10**

On page 3 of said bill, strike out lines 29 to 47, inclusive.

**Amendment No. 11**

On page 3, in line 48, of said bill, strike out "9", and insert "7".

**Amendment No. 12**

On page 4 of said bill, strike out lines 7 to 29, inclusive.

**Amendment No. 13**

On page 4 of said bill, strike out lines 30 to 40, inclusive, and insert

"(b) At the time of filing in the court any account, a true copy thereof shall be sent by the guardian to the office of the Veterans Administration having jurisdiction over the area in which the court is located. Unless".

**Amendment No. 14**

On page 4, line 44, of said bill, strike out "petition, motion or other pleading".

**Amendment No. 15**

On page 4, line 52, of said bill, strike out "The"; and on page 5 strike out lines 1 to 3, inclusive.

**Amendment No. 16**

On page 5, line 4, of said bill, strike out "(d)", and insert "(c)".

**Amendment No. 17**

On page 5, line 13, of said bill, strike out "10", and insert "8".

**Amendment No. 18**

On page 5, line 18, of said bill, strike out "petition or pleading".

**Amendment No. 19**

On page 5, line 21, of said bill, strike out "11", and insert "9".

**Amendment No. 20**

On page 5, line 31, of said bill, strike out "or other pleading".

**Amendment No. 21**

On page 5, line 34, of said bill, after the period insert "The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond."

**Amendment No. 22**

On page 5, line 35, of said bill, strike out "12", and insert "10".

**Amendment No. 23**

On page 5, line 48, of said bill, strike out "13", and insert "11".

**Amendment No. 24**

On page 5, line 51, of said bill, strike out "the spouse and the minor children of the ward".

**Amendment No. 25**

On page 6, in lines 4 and 5, of said bill, strike out "or other pleading".

**Amendment No. 26**

On page 6, line 6, of said bill, strike out "14", and insert "12".

**Amendment No. 27**

On page 6, line 33, of said bill, strike out "15", and insert "13".

**Amendment No. 28**

On page 6, line 42, of said bill, strike out "16", and insert "14".

**Amendment No. 29**

On page 6, line 45, after "ward", insert "committed or transferred to a United States Veterans Administration facility".

**Amendment No. 30**

On page 7, line 5, of said bill, strike out "17", and insert "15".

**Amendment No. 31**

On page 7 of said bill, between lines 5 and 6, insert  
"SEC. 16. Section 1664 is added to said code, to read:

1664. When a person who has been committed or transferred to a facility of the Veterans Administration, in accordance with the provisions of Section 1663, is thereafter discharged as recovered by the chief officer of such facility or is rated competent by the Veterans Administration, a certificate showing such discharge or rating may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fee shall be charged by the clerk for performing such duties. If no guardian has been appointed for such person as provided in this code, the certificate showing such discharge as recovered or rating as competent shall be prima facie evidence that the person has recovered his competency, and the record thereof by the clerk of the court shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of this code."

**Amendment No. 32**

On page 7, line 6, of said bill, strike out "18", and insert "17".

**Amendment No. 33**

On page 7, line 13, of said bill, strike out "19", and insert "18".

**Amendment No. 34**

On page 7, line 20, of said bill, strike out "20", and insert "19".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Assembly Bill No. 629**—An act to repeal Section 729 and to amend Sections 730, 731 and 740 of the Welfare and Institutions Code, relating to juveniles, imposing limitations concerning the places to which they may be committed and in which they may be detained.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 3, line 29, of printed bill, strike out "16", and insert "18".

**Amendment No. 2**

On page 3, line 50, of printed bill, strike out "16", and insert "18".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1537**—An act to amend Sections 41 and 53 of the Unemployment Insurance Act, relating to unemployment insurance and the amount and duration of benefits payable thereunder.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 104**—An act to add Chapter 4, comprising Sections 250 to 255, inclusive, to Division 1 of the Welfare and Institutions Code, relating to probation officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 278**—An act to amend Sections 67 and 80 of the Unemployment Insurance Act, relating to the payment of benefits pending appeals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 831**—An act to add Section 2163.6 to the Welfare and Institutions Code, relating to aid to the aged in respect to income and property qualifications of applicants and recipients.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 226**—An act to amend Sections 8505, 8507, 8513, 8521, 8523, 8525, 8534, 8551, 8560, 8562 and 8674 of the Business and Professions Code, relating to the regulation of structural pest control.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 298**—An act to add Section 7432, and Article 8.5, comprising Sections 7402 to 7409, inclusive, to Chapter 10 of Division 3 of the Business and Professions Code, relating to minimum price schedules for services licensed under the chapter on cosmetology.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1172**—An act to amend Section 701 of the Probate Code, relating to giving of notice to creditors.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out "order to show cause", and insert "notice".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 217**—An act to amend Section 1730 and 1771 of the Code of Civil Procedure, relating to children's courts of conciliation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In lines 5 and 6 of the title of the printed bill, as amended, strike out "amend Section 1730 and 1771 of the Code of Civil Procedure," and insert "repeal Title 11



of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772."

**Amendment No. 2**

On page 1 of said bill, strike out lines 5 to 14, inclusive, and insert

"SECTION 1. Title 11 of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772, is repealed."

**Amendment No. 3**

On page 2 of said bill, strike out lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 805**—An act to add Section 1239.2 and 1239.4 to the Code of Civil Procedure, relating to eminent domain for airport purposes.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "title", insert "by a county, city or airport district".

**Amendment No. 2**

On page 1, line 14, of said bill, after "title", insert "by a county, city or airport district".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2042**—An act to amend Section 600 of the Penal Code, relating to burning structures or other things not subject to arson, and providing a penalty.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 11 and 12, and insert "ing, cutover land, or any fence, or any railroad car, lumber,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 925**—An act to amend Section 884 of the Welfare and Institutions Code, relating to medical, surgical, or dental care for persons alleged to come within the provision of Section 700 of the Welfare and Institutions Code.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 1283**—An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

**Motion to Re-refer Senate Bill No. 835**

Senator Hatfield moved that Senate Bill No. 835 be re-referred to Committee on Finance.

Motion carried.

**Senate Bill No. 1039**—An act to amend Section 116 of the Government Code, relating to reservations by the State with respect to land acquired in the State by the United States, its departments, agencies, and instrumentalities, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Dorsey moved a call of the Senate.

Motion carried. Time, 10.32 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1177**—An act to add Section 592 to the Vehicle Code, relating to parked vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 411**—An act to repeal Section 169 of the Fish and Game Code, relating to game refuges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.39 a.m., on motion of Senator Dorsey, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 1039 was adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 602**—An act to add Chapter 4 to Part 3 of the Harbors and Navigation Code, relating to the issuance of revenue bonds, and declaring emergency.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Weybret moved a call of the Senate.

Motion carried. Time 10.49 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)

**Senate Joint Resolution No. 24**—Relative to memorializing Congress to enact remedial legislation to provide members of the armed forces with wage credits on their social security accounts for the period of their military service.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Joint Resolution No. 23**—Relative to memorializing the President and Congress of the United States and the Surgeon Generals of the United States Army and Navy to consider the advisability of, and the special advantages to be derived from, establishing one or more military hospitals in mineral spring areas of California, and urging that affirmative action be taken in regard thereto.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Joint Resolution No. 22**—Relative to amendment of the Federal Social Security Act in respect to old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1186**—An act to add Chapter 9, comprising Sections 4481 and 4883, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 521**—An act to amend Sections 4041.18 and 4041.29 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 245**—An act to amend Section 736b of the Political Code, relating to the payment of salaries of the judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

**Senate Bill No. 168**—An act to amend Sections 1730 and 1771 of Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings.

#### CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 168 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.

#### Consideration of Assembly Amendments

**Senate Bill No. 78**—An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 78?

##### Amendment No. 1

On page 1, line 16, of the printed bill, after the period, strike out "The Controller shall by rule establish the"; and strike out line 17.

##### Amendment No. 2

On page 1, line 18, of the printed bill, as amended, after "of", insert "Division 2 of".

**Amendment No. 3**

On page 1, line 22, of said bill, after "of", insert "Division 2 of".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 78 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 855**—An act to amend Section 73 of the State Civil Service Act, relating to office and working hours and the payment of overtime compensation.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 73 of the State Civil Service Act", and insert "Section 18023 of the Government Code".

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 18023 of the Government Code is amended to read:  
18023. The granting of compensating time off in lieu of overtime work is not prohibited where compensating time off can be granted within [30 days] *one year* of the date worked and without impairing the services rendered by the employing State agency."

**Amendment No. 3**

On page 1 of said bill, strike out lines 2 to 21, inclusive; and on page 2 strike out lines 1 to 15, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 870**—An act to add a new article numbered 6a, consisting of Sections 447 to 454, inclusive, to Chapter 3 of Title 1 of Part 3 of the Political Code, creating the office of Auditor General, prescribing his powers and duties, and providing for the auditing and management of the fiscal and business affairs of the State and repealing Political Code Sections 658 and 679 and all other Sections of the code in conflict herewith.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 1 and 2; and in line 3, strike out "3 of the Political Code", and insert

"An act to add Part 5 (comprising Sections 13960 to 13966, inclusive,) to Division 3 of Title 2 of the Government Code, and to repeal Sections 13293, 13294, 13295 and 13296 of said code".

**Amendment No. 2**

In line 6 of the title of said bill, strike out "and repealing Political"; and strike out lines 7 and 8 of the title and insert a period.

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert "SECTION 1. Part 5, comprising Sections 13960 to 13966, inclusive, is added to Division 3 of Title 2 of the Government Code, to read:

Part 5. Auditor General  
13960. This part provides for the independent post".

**Amendment No. 3.5**

On page 2 of said bill, strike out line 40 and insert "cle 1, Chapter 2, Part 1 of this division."

**Amendment No. 4**

On page 2, line 41, of said bill, strike out "448", and insert "13961".

**Amendment No. 5**

On page 3, line 14, of said bill, strike out "449", and insert "13962".

**Amendment No. 6**

On page 3, line 29, of said bill, before "The Auditor", insert "13963."

**Amendment No. 7**

On page 3, line 31, of said bill, strike out "451", and insert "13964".

**Amendment No. 8**

On page 3, line 45, of said bill, strike out "452", and insert "13965".

**Amendment No. 9**

On page 4, line 9, of said bill, strike out "453", and insert "13966".

**Amendment No. 10**

On page 4 of said bill, strike out lines 21 to 23, inclusive, and insert "SEC. 2. Sections 13293, 13294, 13295, and 13296 of the Government Code are repealed."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 788**—An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 788?

**Amendment No. 1**

On page 1, line 22, of the printed bill, strike out "appropriate degrees", and insert "a baccalaureate degree".

**Amendment No. 2**

On page 1, line 23, of said bill, strike out "degrees", and insert "degree".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 788 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 130**—An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

**Motion to Reconsider Waived**

Senator Carter waived his motion to reconsider the vote whereby the amendments to Assembly Bill No. 130 were adopted.

Assembly Bill No. 130 ordered printed, and to third reading.

**MOTION TO PRINT IN JOURNAL**

Senator Slater moved that the following opinion of the Legislative Counsel be printed in the Journal.

Motion carried.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

Sacramento 2, May 24, 1945

*Honorable Elwyn S. Bennett,  
Assembly Chamber  
State Capitol,  
Sacramento, California*

Assembly Bill No. 130, County Ambulance Service, No. 5444

DEAR MR. BENNETT: You have asked us whether Assembly Bill No. 130, as proposed to be amended to restrict ambulance service to counties having a population in excess of one million is constitutional.

In our opinion the bill would be held constitutional.

Assembly Bill No. 130, as amended in Assembly April 9, 1945, authorizes the board of supervisors of each county to purchase ambulances and establish an ambulance service to care for persons in need of immediate hospital service. It provides that the patient shall pay for the service if not indigent.

This appears to be in furtherance of a public purpose for the public health, safety and welfare, and similar to other authority given the board of supervisors in Sections 4041 to 4041r of the Political Code. In practically all of these sections it is provided that the board of supervisors "may" exercise certain powers. In only a few cases is it provided that the board "shall" exercise the powers. A general law granting power to be exercised in the discretion of the board of supervisors is not invalid because it does not provide that it must be exercised.

The amendments restrict this service to counties having a population in excess of one million.

Such classification will be sustained if there is any natural and intrinsic difference between the classes which is related to the purposes of the legislation. It appears to us that such relation exists in Assembly Bill No. 130.

Counties with smaller population are less concentrated, have less traffic hazard, and are less industrialized. In a county with a large concentrated population, hazard of injury is greater and more people are subject to sudden illness, requiring greater expediency and ambulance service in order to transport them to hospitals for the care needed. This distinction appears to us to justify the classification made by the bill.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By JOSEPH L. KNOWLES, Deputy

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 244—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations;

Consisting of the undersigned members, has met, and reports that it has failed to agree.

RICH  
CRITTENDEN  
JESPERSEN

Senate Committee on Conference

DICKEY  
BECK  
CALL

Assembly Committee on Conference

Report read, and ordered printed in the Journal.



**MOTION TO RE-REFER SENATE BILLS NOS. 269 AND 331**

Senator Hatfield moved that Senate Bills Nos. 269 and 331 be re-referred to Committee on Finance.

Motion carried.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1264**—An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.25 p.m., on motion of Senator Weybret, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 602 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

Bill read third time.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 14, of the printed bill, as amended, after "power", insert "upon being authorized so to do by vote of the majority of the electors thereof voting on the proposition of conferring such power, at a regular or special election at which such proposition shall be submitted,".

**Amendment No. 2**

On page 2, line 20, of said bill, strike out "other".

Amendments read.

**Roll Call Demanded**

Senators DeLap, Rich, and Fletcher demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Deuel, Donnelly, Fletcher, McBride, McCormack, Mixer, Quinn, Seawell, Slater, Sutton, and Tenney—14.

**NOES**—Senators Breed, Brown, Burns, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Powers, Rich, Salsman, and Weybret—18.

The question being on the final passage of Assembly Bill No. 302.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 12.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 910**—An act to repeal Section 360 of the Agricultural Code, relating to tagging hides.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 910?

**Amendment No. 1**

In line 1 of the title of the printed bill, after "An act to", strike out "amend", and insert "repeal".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert "SECTION 1. Section 360 of the Agricultural Code is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 910 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.34 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 302 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Powers, Rich, Salsman, Slater, and Weybret—21.

**NOES**—Senators Carter, Collier, Crittenden, Deuel, Donnelly, Fletcher, McBride, Mixer, Quinn, Seawell, Sutton, and Tenney—12.

**Motion to Reconsider**

Senator Fletcher moved to reconsider the vote whereby Assembly Bill No. 302 was passed.

**Postponement of Reconsideration**

On motion of Senator Fletcher, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 302 was passed, was continued until the next legislative day.

**RECESS**

At 12.35 p.m., on motion of Senator Collier, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 800

Senate Bill No. 1186

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1102

Senate Constitutional Amendment No. 11

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 261**—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to add Sections 7105.1 and 7137.1 to said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Article 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, and 10604 of said code, all relating to the Public School System;

**Senate Bill No. 485**—An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of May, 1945, at 10 a.m.

SEAWELL, Chairman

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 408

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, May 24, 1945.

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1246

Senate Bill No. 1299

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1945.

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 811

Assembly Bill No. 793

Senate Bill No. 145

Assembly Bill No. 1044

Assembly Bill No. 2179

Assembly Bill No. 1532

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

#### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 24, 1945.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 303

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MCCORMACK, Acting Chairman

Above reported bill ordered to second reading.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Collier, Powers, and Parkman as a second Senate Committee on Conference concerning Assembly Bill No. 244 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Joint Resolution No. 28:** By Senator Seawell—Relative to memorializing Congress to enact H. R. 2536, Seventy-ninth Congress, First Session, relating to the regulation of transportation companies.

Referred to Committee on Transportation.

**Senate Concurrent Resolution No. 58:** By Senator Biggar—Relative to the creation of the California Forestry Study Committee.

Referred to Committee on Rules.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1280

Senator Tenney moved that Senate Bill No. 1280 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.



## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Bill read second time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill as amended, strike out line 9; and in line 10 strike out "any extensions thereof, or".

**Amendment No. 2**

On page 1, line 14, of said bill, after "constructed", insert "for drilling purposes".

**Amendment No. 3**

On page 1, line 16, of said bill, after "lease", insert "heretofore".

**Amendment No. 4**

On page 1, line 21, of said bill, after "uplands," strike out "or from".

**Amendment No. 5**

On page 1, line 22, of said bill, strike out "such jetties or breakwaters,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

## Call of the Senate

Senator Biggar moved a call of the Senate.

Motion carried.

Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 18**—An act to amend Sections 2626, 2630, 4105, 4106, and 4109.5 of, to repeal Chapter 4 of, and to add a new Chapter 4, consisting of Sections 4371 to 4376, inclusive, to, Part 7, Division 1 of, and to repeal Section 4110 of, and to add a new Section 4110 of, and to add Sections 4104.3, 4104.4, 4104.5, 4108, 4108.5, to, the Revenue and Taxation Code, relating to property taxation.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—26.  
NOES—Senators Dilworth and Donnelly—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 601**—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hos-

pitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health, and making an appropriation.

**Motion to Re-refer Assembly Bill No. 601**

Senator Collier moved that Assembly Bill No. 601 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 599**—An act to add Section 15.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Kuchel, McBride, Mixter, Quinn, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2156**—An act amending Section 634 of the Welfare and Institutions Code, relating to the appointment, selection, and removal, and term of office of probation officers, assistant probation officers, deputy probation officers and of superintendents, matrons and other employees of detention homes.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Keating, Kuchel, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1624**—An act to amend Section 1203 of the Penal Code, relating to granting of probation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1511**—An act to amend Section 1018 of the Code of Civil Procedure, relating to service of process.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 787**—An act repealing Sections 671, 672, and 673 of the Code of Civil Procedure, amending Sections 675, 675b, 705, 1033, and 1194 of the Code of Civil Procedure, and amending Section 730 of the Probate Code, relating to the court records in the superior court.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 543**—An act to amend Sections 16461 and 16463 of the Education Code and Section 485 of the Health and Safety Code, all relating to health services for public school pupils.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 679**—An act to add Section 2102.1 to the Education Code, relating to the election of members of boards of education.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 765**—An act to amend Sections 8161, 8821.1, 9034.1, 16276, 16277, and 18058 of the Education Code, all relating to the public school system.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 814**—An act to add Section 13843 to the Education Code, relating to the payment of salaries of employees of school districts.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

#### Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Assembly Bill No. 815 was passed.

#### Postponement of Reconsideration

On motion of Senator Hatfield, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 815 was passed, was continued until the next legislative day.

**Assembly Bill No. 1062**—An act to amend Sections 14722, 14726, 14736, and 14776 of the Education Code, relating to district and joint district retirement salary plans.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Kuchel, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2158**—An act to amend Section 11151 of the Education Code, and to add Article 5.5 to Chapter 2 of Division 6 of said code, relating to textbooks and teachers' manuals for use in the public elementary schools.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 2076**—An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1180**—An act to amend Section 20952 of the Government Code, relating to the State Employees' Retirement System, and providing for the retirement of local safety members.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1978**—An act to add Sections 51ba, 51bb, 51be, 51bd, and 51be to the Alcoholic Beverage Control Act, relating to the unlawful transportation, keeping, depositing, concealment and possession of alcoholic beverages in vehicles.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 581**—An act amending Sections 18, 20, 26, 28, 43.5, 44, 73, 100, 101, 112, 133, and 160 of, adding Sections 34, 57.3, and 64.1 to, adding Article 7.5 consisting of Sections 121, 122, 123, 124, 125, 126, 127, and 128 to, and repealing Section 136 of, the County Employees Retirement Act of 1937, relating to retirement.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 667**—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Tenny, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Dilworth Presiding**

At 3.32 p.m., Senator Dilworth of the Thirty-seventh District, presiding.

**Assembly Bill No. 1780**—An act to amend Sections 2 and 4.5 of and to add a new Section 6 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Keating, Kuchel, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 30**—An act to amend Section 737aa of the Political Code, relating to salaries of judges of the superior court.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 310**—An act to amend Section 4235 of the Political Code, relating to compensation for public service in counties of the sixth class.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1679**—An act to amend Section 737qq of the Political Code, relating to superior court judges' salaries in the County of Santa Clara.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 572**—An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to commissioners in municipal courts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 327**—An act to amend Section 4 of the Housing Authorities Law, relating to housing authorities.

#### Motion to Refer Bill to Inactive File

Senator DeLap moved that Assembly Bill No. 327 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 1256**—An act to add Section 5.5 to an act entitled "An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately," approved May 15, 1943, relating to census of cities.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Keating, Kuchel, McCormack, Mixer, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1812**—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

**Motion to Re-refer Assembly Bill No. 1812**

Senator Judah moved that Assembly Bill No. 1812 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 1646**—An act to amend Section 8 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the powers and duties of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1063**—An act to amend Section 3819 and 3929 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mixer, Powers, Rich, Salsman, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 484**—An act to amend Sections 220, 330, 3823 and 3944 of the Elections Code, and to add Section 330.5 to said code, relating to elections and matters incidental thereto.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1064**—An act to amend Section 3931 of the Elections Code, relating to ballots.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 22, of said bill, after "candidates", insert "other than incumbents".

**Amendment No. 2**

On page 2, line 8, of said bill, after "candidates", insert "other than incumbents".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1065**—An act to amend Section 7050 of the Elections Code, relating to ballots.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Powers, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2148**—An act to amend Sections 502 and 503 of the Elections Code, relating to precincts.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**President Pro Tempore of the Senate Presiding**

At 4.14 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Rich asked for, and was granted, unanimous consent to have the following committee report of the Finance Committee read, and Assembly Bill No. 500 be given a second reading out of order for the purpose of adopting committee amendments.

**REPORTS OF STANDING COMMITTEES**

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 500

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 3, line 4, of the printed bill, as amended, strike out "300,000.00", and insert "400,000.00".

**Amendment No. 2**

On page 3, line 42, of said bill, as amended, following "For", insert "additional support of Judicial Council, to be expended for".

**Amendment No. 3**

On page 3, line 46, of said bill, as amended, strike out "257,940.00", and insert "269,260.00".

**Amendment No. 4**

On page 3, line 48, of said bill, as amended, strike out "368,820.00", and insert "380,140.00".

**Amendment No. 5**

On page 3, line 50, of said bill, as amended, strike out "141,580.00", and insert "149,900.00".

**Amendment No. 6**

On page 4, line 2, of said bill, as amended, strike out "169,760.00", and insert "182,280.00".

**Amendment No. 7**

On page 6, line 51, of said bill, strike out "4,649,314.00", and insert "4,651,014.00".

**Amendment No. 8**

On page 7, line 2, of said bill, strike out "3,108,269.00", and insert "3,109,969.00".

**Amendment No. 9**

On page 7, line 7, of said bill, strike out "4,649,314.00", and insert "4,651,014.00".

**Amendment No. 10**

On page 11, line 5, of said bill, strike out "32,880.00", and insert "43,780.00".

**Amendment No. 11**

On page 11, line 6, of said bill, strike out "\$6,000", and insert "\$12,000".

**Amendment No. 12**

On page 11, line 11, of said bill, strike out "22,050.00", and insert "32,250.00".

**Amendment No. 13**

On page 11, line 12, of said bill, strike out "10,580.00", and insert "11,280.00".

**Amendment No. 14**

On page 11, line 15, of said bill, strike out "32,880.00", and insert "43,780.00".

**Amendment No. 15**

On page 12, line 4, of said bill, strike out "220,055.00", and insert "266,160.00".

**Amendment No. 16**

On page 12, line 10, of said bill, strike out "119,995.00", and insert "139,075.00".

**Amendment No. 17**

On page 12, line 11, of said bill, strike out "102,160.00", and insert "124,560.00".

**Amendment No. 18**

On page 12, line 12, of said bill, strike out "5,900.00", and insert "10,525.00".

**Amendment No. 19**

On page 12, line 14, of said bill, strike out "228,055.00", and insert "274,160.00".

**Amendment No. 20**

On page 12, line 19, of said bill, strike out "220,055.00", and insert "266,160.00".

**Amendment No. 21**

On page 12, line 27, of said bill, strike out "28,800.00", and insert "167,800.00".

**Amendment No. 22**

On page 13, line 4, of said bill, as amended, strike out "1,480,614.00", and insert "1,475,694.00".

**Amendment No. 23**

On page 13, line 12, of said bill, as amended, strike out "1,014,442.00", and insert "1,009,522.00".

**Amendment No. 24**

On page 13, line 16, of said bill, as amended, strike out "1,531,014.00", and insert "1,526,094.00".

**Amendment No. 25**

On page 13, line 25, of said bill, as amended, strike out "1,480,614.00", and insert "1,475,694.00".

**Amendment No. 26**

On page 20, line 49, of said bill, following "schedule", insert ", payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code".

**Amendment No. 27**

On page 20, line 49, of said bill, strike out "560,480.00", and insert "570,324.00".

**Amendment No. 28**

On page 21 of said bill, between lines 7 and 8, insert

"(a.a) Salary restoration ----- 9,844.00".

**Amendment No. 29**

On page 21, line 11, of said bill, strike out "808,240.00", and insert "818,084.00".

**Amendment No. 30**

On page 21, line 31, of said bill, strike out "560,480.00", and insert "570,324.00".

**Amendment No. 31**

On page 21 of said bill, strike out lines 32 to 46, inclusive.

**Amendment No. 32**

On page 24, line 43, of said bill, as amended, strike out "1,495,991.00", and insert "1,426,456.00".

**Amendment No. 33**

On page 25, line 2, of said bill, as amended, strike out "1,115,390.00", and insert "1,045,855.00".

**Amendment No. 34**

On page 25, line 6, of said bill, as amended, strike out "1,506,671.00", and insert "1,437,136.00".

**Amendment No. 35**

On page 25, line 12, of said bill, as amended, strike out "1,495,991.00", and insert "1,426,456.00".

**Amendment No. 36**

On page 25, line 16, of said bill, as amended, strike out "6,626,112.00", and insert "6,000,049.00".

**Amendment No. 37**

On page 25, line 23, of said bill, as amended, strike out "6,064,829.00", and insert "5,438,766.00".

**Amendment No. 38**

On page 25, line 27, of said bill, as amended, strike out "6,912,627.00", and insert "6,286,564.00".

**Amendment No. 39**

On page 25, line 32, of said bill, as amended, strike out "6,626,112.00", and insert "6,000,049.00".

**Amendment No. 40**

On page 25, line 36, of said bill, as amended, strike out "2,796,301.00", and insert "2,650,650.00".

**Amendment No. 41**

On page 25, line 38, of said bill, as amended, strike out "2,257,400.00", and insert "2,111,809.00".

**Amendment No. 42**

On page 25, line 42, of said bill, as amended, strike out "2,796,301.00", and insert "2,650,650.00".

**Amendment No. 43**

On page 26, line 2, of said bill, as amended, strike out "302,295.00", and insert "279,315.00".

**Amendment No. 44**

On page 26 of said bill, as amended, between lines 2 and 3, insert  
 "(a.a) Salary restoration ----- 22,980.00".

**Amendment No. 45**

On page 26, line 36, of said bill, as amended, strike out "1,780,733.00", and insert "1,784,483.00".

**Amendment No. 46**

On page 26, line 46, of said bill, as amended, strike out "1,004,327.00", and insert "1,008,077.00".

**Amendment No. 47**

On page 26, line 49, of said bill, as amended, strike out "2,788,809.00", and insert "2,792,559.00".

**Amendment No. 48**

On page 27, line 6, of said bill, as amended, strike out "1,780,733.00", and insert "1,784,483.00".

**Amendment No. 49**

On page 27, line 42, of said bill, as amended, following "Finance", insert ", to be expended under the provisions of the Property Acquisition Act".

**Amendment No. 50**

On page 28, line 44, of said bill, following "Code", insert ", to be expended in accordance with the Property Acquisition Act".

**Amendment No. 51**

On page 28, line 44, of said bill, strike out "98,175.00", and insert "150,000.00".

**Amendment No. 52**

On page 33, line 34, of said bill, strike out "59,500.00", and insert "47,500.00".

**Amendment No. 53**

On page 34, line 9, of said bill, strike out "125,722.00", and insert "100,722.00".

**Amendment No. 54**

On page 35, line 26, of said bill, strike out "55,206.00", and insert "45,206.00".

**Amendment No. 55**

On page 36, line 46, of said bill, strike out "\$60,900.00", and insert "54,810.00".

**Amendment No. 56**

On page 36, line 49, of said bill, strike out "2,977,564.00", and insert "3,002,524.00".

**Amendment No. 57**

On page 37, line 4, of said bill, strike out "2,032,600.00", and insert "2,057,560.00".

**Amendment No. 58**

On page 37, line 8, of said bill, strike out "3,058,364.00", and insert "3,083,324.00".

**Amendment No. 59**

On page 37, line 14, of said bill, strike out "2,977,564.00", and insert "3,002,524.00".

**Amendment No. 60**

On page 42, line 10, of said bill, strike out "300,000.00", and insert "150,000".

**Amendment No. 61**

On page 42, line 13, of said bill, strike out "291,930.00", and insert "141,930.00".

**Amendment No. 62**

On page 42, line 15, of said bill, strike out "300,000.00", and insert "150,000.00".

**Amendment No. 63**

On page 42, line 36, of said bill, strike out "14,365,068.00", and insert "16,340,073.00".



**Amendment No. 64**

On page 42, line 42, of said bill, following "of", insert "district traffic inspector, traffic captain, traffic sergeant,".

**Amendment No. 65**

On page 42 of said bill, lines 49 and 50, strike out "or by duration appointment".

**Amendment No. 66**

On page 43 of said bill, strike out all of lines 2 to 14, inclusive, and insert

**"Division of Administration**

(a) Salaries and Wages-----	\$966,360.00
(a.a) Salary Restoration-----	108,965.00
(b) Operating Expenses-----	347,429.00
(c) Equipment-----	13,105.00

**Division of Registration**

(a) Salaries and Wages-----	3,817,960.00
(a.a) Salary Restoration-----	352,390.00
(b) Operating Expenses-----	1,707,818.00
(c) Equipment-----	57,550.00

**Division of Enforcement**

(a) Salaries and Wages-----	6,150,052.00
(a.a) Salary Restoration-----	143,920.00
(b) Operating Expenses-----	1,491,400.00
(c) Equipment-----	368,091.00

**Division of Drivers' Licenses**

(a) Salaries and Wages-----	1,566,080.00
(a.a) Salary Restoration-----	112,095.00
(b) Operating Expenses-----	221,415.00
(c) Equipment-----	36,545.00

**Land and Buildings**

(b) Operating Expenses-----	190,495.00
(c) Equipment-----	5,275.00

**Pedestrian Crossing Guards**

(a) Salaries and Wages-----	112,000.00
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Total of Schedule----- \$17,768,945.00

Less: Estimated abatements for pedestrian crossing guards----- 112,000.00

Estimated transfer from Motor Vehicle License Fee Fund (Item 188)----- 1,316,872.00

Net appropriation----- \$16,340,073.00".

**Amendment No. 67**

On page 43 of said bill, as amended, strike out line 15, and insert

"Item 187.2—For additional support, Department of Motor Vehicles, for salaries and wages, operating expenses, and equipment necessary to reemploy Cali—".

**Amendment No. 68**

On page 43, line 29, of the printed bill, as amended, after the period, insert "It is the intention of the Fifty-sixth Session of the Legislature that the employment of additional highway patrol officers who return from military service, for which the required appropriation is provided for in this item, or provided for in any other item in this act, shall not be considered to authorize the continued employment of more than 674 traffic officers. Therefore, whenever any traffic officer retires, resigns, or is separated from State service, his position is not to be refilled except by reemployment of members of the Highway Patrol who return from military service, until such time as the total number of traffic officers employed in the California Highway Patrol shall be less than 674."

**Amendment No. 69**

On page 43, lines 38 and 39, of said bill, as amended, strike out "seven hundred thousand dollars (\$700,000.00)", and insert "one million eight hundred eighty four thousand six dollars (\$1,884,006.00)".

**Amendment No. 70**

On page 46, line 33, of said bill, as amended, strike out "Robinson", and insert "Robertson".

**Amendment No. 71**

On page 46, line 38, of said bill, as amended, following "grounds", insert "fish, hatcheries, quail refuges, quail water holes, and game farms".

**Amendment No. 72**

On page 46, line 44, of said bill, as amended, following "provided", insert "that one-half of said sum shall be spent in each of the northern and southern halves of the State, and provided, further,".

**Amendment No. 73**

On page 46, line 45, of said bill, as amended, following "lands", insert "for public shooting grounds".

**Amendment No. 74**

On page 48, line 18, of said bill, as amended, strike out "604,000.00", and insert "726,655.00".

**Amendment No. 75**

On page 48, line 33, of said bill, as amended, strike out "170,000.00", and insert "292,655.00".

**Amendment No. 76**

On page 48, line 35, of said bill, as amended, strike out "604,000.00", and insert "726,655.00".

**Amendment No. 77**

On page 49 of said bill, as amended, between lines 26 and 27, insert "Item 203.5—For pine beetle control protection, Division of Forestry, Department of Natural Resources, to be expended in accordance with Section 4455 of the Public Resources Code 50,000.00".

**Amendment No. 78**

On page 54 of said bill, as amended, strike out lines 12 to 22, inclusive.

**Amendment No. 79**

On page 59, line 8, of said bill, as amended, strike out "49,262.00", and insert "106,762.00".

**Amendment No. 80**

On page 59, line 10, of said bill, as amended, strike out "26,880.00", and insert "53,280.00".

**Amendment No. 81**

On page 59, line 11, of said bill, as amended, strike out "22,082.00", and insert "47,982.00".

**Amendment No. 82**

On page 59, line 12, of said bill, as amended, strike out "300.00", and insert "5,500.00".

**Amendment No. 83**

On page 59, line 14, of said bill, as amended, strike out "49,262.00", and insert "106,762.00".

**Amendment No. 84**

On page 59, line 20, of said bill, as amended, strike out "227,570.00", and insert "235,570.00".

**Amendment No. 85**

On page 59, line 22, of said bill, as amended, strike out "189,590.00", and insert "197,590.00".

**Amendment No. 86**

On page 59, line 26, of said bill, as amended, strike out "227,570.00", and insert "235,570.00".

**Amendment No. 87**

On page 62, line 10, of said bill, as amended, following "Agriculture", insert " , payable from the Post War Employment Reserve".

**Amendment No. 88**

On page 62, line 13, of said bill, as amended, following "Agriculture", insert " , payable from the Post War Employment Reserve".

**Amendment No. 89**

On page 62, line 16, of said bill, as amended, following "Corrections", insert " , payable from the Post War Employment Reserve".

**Amendment No. 90**

On page 62, line 19, of said bill, as amended, following "Corrections", insert " , payable from the Post War Employment Reserve".

**Amendment No. 91**

On page 62, line 23, of said bill, as amended, following "Corrections", insert ", payable from the Post War Employment Reserve".

**Amendment No. 92**

On page 62, line 27, of said bill, as amended, following "Corrections", insert ", payable from the Post War Employment Reserve".

**Amendment No. 93**

On page 62, line 33, of said bill, as amended, following "Corrections", insert ", payable from the Post War Employment Reserve".

**Amendment No. 94**

On page 62, line 40, of said bill, as amended, following "Authority", insert ", payable from the Post War Employment Reserve".

**Amendment No. 95**

On page 62, line 43, of said bill, as amended, following "Education", insert ", payable from the Post War Employment Reserve".

**Amendment No. 96**

On page 62, line 49, of said bill, as amended, following "Education", insert ", payable from the Post War Employment Reserve".

**Amendment No. 97**

On page 62, line 52, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 98**

On page 63, line 4, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 99**

On page 63, line 7, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 100**

On page 63, line 10, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 101**

On page 63, line 13, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 102**

On page 63, line 16, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 103**

On page 63, line 22, of said bill, as amended, following "Institutions", insert ", payable from the Post War Employment Reserve".

**Amendment No. 104**

On page 63, line 26, of said bill, as amended, following "Affairs", insert ", payable from the Post War Employment Reserve".

**Amendment No. 105**

On page 63, line 31, of said bill, as amended, following "Affairs", insert ", payable from the Post War Employment Reserve".

**Amendment No. 106**

On page 63, line 34, of said bill, as amended, following "Resources", insert ", payable from the Post War Employment Reserve".

**Amendment No. 107**

On page 63, line 38, of said bill, as amended, following "Resources", insert ", payable from the Post War Employment Reserve".

**Amendment No. 108**

On page 64 of said bill, as amended, strike out lines 9 to 20, inclusive.

**Amendment No. 109**

On page 64, line 32, of said bill, as amended, strike out "2,004,762.00", and insert "2,836,167.00".

**Amendment No. 110**

On page 65, line 29, of said bill, as amended, following "Fund", strike out ", an".

**Amendment No. 111**

On page 65 of said bill, as amended, strike out lines 30 to 34 inclusive and insert

- "(a) The increase in compensation provided for in any increased salary range established by the Personnel Board or other salary-fixing authority with the approval of the Department of Finance; provided, that in establishing such increased salary ranges the State Personnel Board, or other salary-fixing authority, may determine that the salary range theretofore established for any class of position became inequitable as of July 1, 1945, or as of any specified date subsequent thereto, and the change in salary range and the increased compensation payable shall be made effective as of such date;
- (b) An increase in compensation, in augmentation of the increase provided for in Section 14 of this act, in accordance with the following schedule:
1. To each officer or employee whose salary range has not been increased by the State Personnel Board or other salary-fixing authority since January 1, 1944, an increase of fifteen dollars (\$15) per month;
  2. To each officer or employee whose salary range has been increased since January 1, 1944 by less than fifteen dollars (\$15) per month, an increase equal to the difference between the amount of the increase in salary range and fifteen dollars (\$15) per month; said difference to be measured by the difference in the minimum rates of the respective salary ranges----- 10,940,322.00".

**Amendment No. 112**

On page 65, line 39, of said bill, as amended, strike out "an increase", and insert "increases".

**Amendment No. 113**

On page 67, line 24, of said bill, as amended, following "The", and insert "State".

**Amendment No. 114**

On page 68, line 5, of said bill, as amended, strike out "2295a", and insert "22041".

**Amendment No. 115**

On page 68, line 6, of said bill, as amended, strike out "Political", and insert "Education".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO PRINT ASSEMBLY BILL NO. 500**

Senator Rich moved that Assembly Bill No. 500 be sent to print with a rush order.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 439**—An act to amend Section 2 of the Planning Act, relating to city planning commissions.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 370**—An act to amend Section 4455 of the Labor Code, relating to average earnings.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1179**—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1369**—An act to amend Section 120 of the Agricultural Code, relating to nursery licensees.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1583**—An act to amend Section 380.54 of the Agricultural Code, relating to horse, mule and burro slaughter and penalties.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1584**—An act to add Section 380.66 to the Agricultural Code, relating to estray and sale of estray horses, mules and burros.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1585**—An act to amend Section 372.5 of the Agricultural Code, relating to stock killed or injured on railroad right of way.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1590**—An act to amend Section 415 of the Agricultural Code, exempting bovine animals, horses, mules and burros.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1593**—An act to amend Section 392 of the Agricultural Code, relating to estray procedure.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1600**—An act to amend Section 380.59 of the Agricultural Code, relating to horse, mule and burro hides.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1601**—An act to amend Section 380.57 of the Agricultural Code, relating to horse, mule and burro slaughterer reports.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1602**—An act to amend Section 402 of the Agricultural Code, requiring animals to be examined for brands prior to being offered for sale.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1603**—An act to amend Section 380.55 of the Agricultural Code, relating to inspection of horses, mules and burros.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read :

SENATE CHAMBER, SACRAMENTO, May 24, 1945

**MR. PRESIDENT:** Your Committee on Conference concerning :

**Assembly Bill No. 889**—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States ;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following :

That the amendments of the Senate be concurred in and that the bill, as amended on April 4, 1945, be further amended as follows :

#### Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "construction", insert a comma.

**BREED  
TENNEY  
JUDAH**

Senate Committee on Conference

**JOHNSON  
HOLLIBAUGH  
STREAM**

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented :  
By Senator Hatfield :

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Sections 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks secured by agricultural lands.

Respectfully submitted.

SENATOR HATFIELD

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 25, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Financial Institutions.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time :

**Senate Bill No. 1301:** By Senator Hatfield—An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks secured by agricultural lands.

Referred to Committee on Financial Institutions.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 5.05 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

**ADJOURNMENT**

At 5.05 p.m., on motion of Senator DeLap, the President declared the Senate adjourned until 10 a.m., Saturday, May 26, 1945.

JOHN F. LEA, Minute Clerk.



**CALIFORNIA LEGISLATURE**

**FIFTY-SIXTH SESSION**

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**SENATE DAILY JOURNAL**

**SEVENTY-NINTH LEGISLATIVE DAY**

**ONE HUNDRED THIRTY-NINTH CALENDAR DAY**

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO  
Saturday, May 26, 1945

The Senate met at 10 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater, account of legislative business.

Senator Parkman, on motion of Senator Tenney, account of legislative business.

Senator Hatfield, on motion of Senator Hulse, account of legislative business.

Senator Mayo, on motion of Senator Mixter, due to illness.

Senator Jespersen, on motion of Senator Rich, account of legislative business.

Senator Collier, on motion of Senator McBride, account of legislative business.

Senator Swing, on motion of Senator Rich, account of legislative business.

Senator Salsman, on motion of Senator Cunningham, account of legislative business.

Senator DeLap, on motion of Senator Carter, account of legislative business.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ellen Smith, Norma Smith, Frankie Barbeau, Juanita Barbeau, Evelyn Mosley, Catherine Revaz, and O. O. Winn, all of Placerville.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ann Huddart and Mrs. Eva Silsbee, teachers, and the following students of South Sacramento School: Mary Colwell, Bernice Azlin, Clinton Miller, Howard Pevy, Eddie Badello, Merrill Smith, Barbara Maxwell, Jo Ann Marque, Sally Ish, June Hamman, Dale Marshall, Margaret Stucker, Frank Wilson, Barbara Stucker, June Herrmann, Betty Dame, Ruby Mora, Una Meyers, Loretta Bauer, Milton Golding, Mickey Lou Brown, and Beverly White.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sam Fulton, Past International President of the Gideons; Dick Holzworth, International Field Representative; Cecil Kettle, President of California Gideons, and Tom Christensen, President, Sacramento Gideons.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Irene Lettich and Miss Marguerite Hansen, both of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth Reynolds and Kathleen Cavanaugh, and the following members of the David Lubin Girl Scout Troop of Sacramento: Dana Williams, Charlotte Simpson, K. Dittmar, Marilyn Swanson, Patti Fassett, Leona Pickett, Steffnin Chase, Nancy Leam, Verna Taylor, Barbara Klinefelter, Diane Myers, Francis Lu Wiskers, Rita Winslow, Mitzi Popovich, Barbara Bush, and Patsy Roberts.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain and Mrs. Clifford Randall of Benicia.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. E. Dillinger, Mrs. Ray C. Ellis, and Richard Carlton Ellis, all of Placerville.

#### Call of the Senate

Senator Slater moved a call of the Senate.

Time, 10.03 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1363**—An act to amend Sections 5015 and 5157 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1454**—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 166  
Assembly Bill No. 219  
Assembly Bill No. 328  
Assembly Bill No. 644  
Assembly Bill No. 646  
Assembly Bill No. 948  
Assembly Bill No. 977

Assembly Bill No. 1239  
Assembly Bill No. 1269  
Assembly Bill No. 1750  
Assembly Bill No. 1994  
Assembly Bill No. 1996  
Assembly Bill No. 2189  
Assembly Bill No. 1061

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 166**—An act to amend Section 690 of the Elections Code, relating to compensation of members of precinct boards.

Referred to Committee on Elections.

**Assembly Bill No. 219**—An act to amend Section 987 of the Military and Veterans Code, relating to veterans' farm and home loans.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 328**—An act to add Division 7, consisting of Sections 1450 to 1454, inclusive, to the Fish and Game Code, relating to the killing or injuring of a human being through the improper use of firearms while hunting, and prescribing punishments and penalties therefor.

Referred to Committee on Fish and Game.

**Assembly Bill No. 644**—An act to add Section 929.5 to the Fish and Game Code, relating to districts and nets.

Referred to Committee on Fish and Game.

**Assembly Bill No. 646**—An act to add Article 4.5 to Chapter 13, Article 3 to Chapter 14, and Article 1.5 to Chapter 15, all of Division 3 of the Education Code, all relating to the support of the public school system, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 948**—An act to add Title VIIIa, comprising Sections 1274.1 to 1274.17, inclusive, to Part III of the Code of Civil Procedure, to amend Section 1268 of the Code of Civil Procedure, Section 15 of the Bank Act, and to repeal Section 1273 of the Code of Civil Procedure, relating to the disposition of property actually abandoned and presumed to be abandoned.

Referred to Committee on Judiciary.

**Assembly Bill No. 977**—An act to amend Section 18711 of the Government Code relating to affiliations by the State Personnel Board.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1239**—An act creating the Mount San Jacinto Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources and the State Park Commission in connection therewith, and authorizing the Department of Natural Resources and the State Park Commission to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1269**—An act to amend Sections 731, 737, and 739.1 of the Vehicle Code, relating to procedure upon arrest.

Referred to Committee on Transportation.

**Assembly Bill No. 1750**—An act to add Section 19399 to the Government Code, relating to employees returning from military service.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1994**—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, and providing for the forfeiture of such lands for failure to make such payments.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1996**—An act to amend Section 6504 of the Public Resources Code, relating to State lands.

Referred to Committee on Natural Resources.

**Assembly Bill No. 2189**—An act to add Section 6029 to the Penal Code, relating to plans and specifications for jails, prisons, and other places of detention.

Referred to Committee on Institutions.



**Assembly Bill No. 1061**—An act to add Section 19312 to the Education Code, relating to the establishment of cafeterias by school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 137  
Senate Bill No. 372  
Senate Bill No. 421  
Senate Bill No. 572  
Senate Bill No. 762

Senate Bill No. 1076  
Senate Bill No. 1086  
Senate Bill No. 1088  
Senate Bill No. 1194

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Constitutional Amendment No. 13

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 176  
Senate Bill No. 1080

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO 14, May 26, 1945

*Honorable Joseph A. Beck  
Secretary of the Senate  
Senate Chamber, State Capitol  
Sacramento 14, California*

DEAR MR. BECK: A motion has been made and carried in the Assembly, instructing me to request the Senate to return Assembly Bill 1812 to the Assembly, for further consideration.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### MOTION TO RETURN ASSEMBLY BILL TO THE ASSEMBLY

Senator Rich moved that Assembly Bill No. 1812 be withdrawn from the Committee on Finance and returned to the Assembly pursuant to their request.

Motion carried.

## RESOLUTIONS

The following resolution was offered by Senator Slater:

**Senate Resolution No. 113**

Relative to the Commemoration of the Eighty-second birthday of Frank P. Doyle, "The Father of The Golden Gate Bridge"

By this little token of appreciation of his long and valued service for public welfare and development, the Senate of the State of California joins in extending hearty felicitations to Frank P. Doyle of Santa Rosa, the "Father of the Golden Gate Bridge" and in so doing, expresses the hope that he will be spared for more years to come to pursue his continuing efforts in further promoting the advancement of his beloved Native State of California.

On Decoration Day, May 30, 1945, Mr. Doyle commemorates his eighty-second birthday. He was born in Petaluma, Sonoma County and as a young man moved to Santa Rosa, where he assisted his father, the late Manville Doyle, in the founding and organizing of the Exchange Bank and succeeded his father as President of this great financial institution at the latter's death many years ago. Mr. Doyle is now the oldest banker in point of years of service in this State and is still actively engaged in his duties as a bank president.

Long before the Golden Gate Bridge was built, Mr. Doyle urged the construction of the span across the bay from the Marin shore to San Francisco and finally as a result of his constant endeavor, the Golden Gate Bridge and Highway District was formed and through the eminent skill of the late famous engineer Joseph Strauss, was designed and built and is now classified as "The Eighth Wonder of the World." Since the inception of the bridge district, Mr. Doyle has been a member of the directorate. As a token of appreciation of the pioneer's deep concern in the building of the bridge, he was signally honored in being the first person to drive across the Golden Gate Bridge prior to its formal opening for regular transportation. On this initial drive across the bridge he was accompanied by a warm personal friend, J. H. Williams of Santa Rosa.

Mr. Doyle is a past president of the Redwood Empire Association, is now and for many years has been a director of the California State Automobile Association and a close associate of former Senator Arthur H. Breed, Senior. His benefactions have included the gift of the picturesque Doyle Park in Santa Rosa, where thousands of children and older persons enjoy recreation. He is also identified with extensive agricultural and horticultural pursuits and interested in many public and private enterprises.

In recognition of the achievements of Frank P. Doyle, the Senate of the State of California adopts this tribute with the accompaniment of its best wishes for "Many Happy Returns of the Day" and a continuance of activity and happiness. "Happy Birthday to You—Mr. Doyle!"

Resolution read, and on motion of Senator Slater, adopted.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 480**—An act to amend Section 13033 of the Education Code, relating to the Public School System.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 13033", and insert "add Article 4.5 to Chapter 5 of Division 9".

**Amendment No. 2**

In line 2 of the title of said bill, after "to", insert "the exchange of property by school districts of".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 10, inclusive and insert "SECTION 1. Article 4.5 is added to Chapter 5 of Division 9 of the Education Code, to read:

**Article 4.5. Exchange of Real Property**

18791. The governing board of a school district may exchange land owned by the district for other land immediately adjacent to land owned by the district as provided in this Article.

18792. The governing board of the district before exchanging any property of the district shall adopt a resolution declaring its intention to exchange the property, describing the parcels of land involved and setting forth the value of each parcel as appraised pursuant to this Article. The resolution shall also fix the time and place when the board proposes to effect the exchange which time shall be not less than three weeks following the adoption of the resolution.

18793. Copies of the resolution signed by at least a majority of the members of the governing board of the district shall be posted in three public places in the district not less than 15 days before the date of the meeting at which the board proposed to effect the exchange and by publishing the resolution of the board for not less than once a week for three successive weeks before said meeting in a newspaper.

18794. The value of each of the parcels of land involved in an exchange shall be as appraised by an inheritance tax appraiser provided for by law.

18795. Should there be a difference between the value of the parcel of land proposed to be exchanged by the governing board of the district and the value of the parcel of land for which it is to be given in exchange, the difference shall be paid in money."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 1063**—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to amend Chapter 2, Article 1, Section 5151 of the Education Code; to repeal Articles 2, 3 and 4 comprising Section 6926 to and including 6979 of the Education Code, all relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 2, line 16, of the printed bill, after "school year", insert "provided that in allowing such units each union elementary district, unified district or joint district of 300 or more average daily attendance during the preceding school year shall be treated as one district and the attendance therein shall be credited to the county in which the school building is located."

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 27 to 43, inclusive, and insert

"(d) One supervision unit shall be allowed each union elementary school district, unified district or joint district and each elementary district which is not a part of a union, unified or joint district in which the average daily attendance during the preceding school year was 300 or more, for each 30 units or fraction thereof of average daily attendance during the preceding school year.

(e) One supervision unit shall be allowed to the county elementary school supervision fund of each county for each 30 units of average daily attendance during the preceding school year or major fraction thereof in the aggregate in all elementary school districts of the county including union elementary school districts having less than 300 units of average daily attendance during the preceding school year and in the emergency schools maintained within the elementary school districts of the county by the county superintendent of schools."

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 44 to 49, and insert

"(f) Each classroom unit and each supervision unit shall be allowed the following:

1. \$2,200 for each classroom unit in districts where the average daily attendance during the preceding school year was less than 300 units.
2. \$2,600 for each classroom unit in districts where the average daily attendance during the preceding school year was 300 or more.
3. \$275 for each supervision unit."

**Amendment No. 4**

On page 3, line 9, of the printed bill, strike out "twenty cents (\$0.20)", and insert "eighteen cents (\$0.18)".

**Amendment No. 5**

On page 3, line 16, of the printed bill, after "districts", insert a comma.

**Amendment No. 6**

On page 3, line 20, of the printed bill, after "code", insert "For the purpose of this determination the Superintendent of Public Instruction shall consider the allocations of State funds and revenues other than tax receipts are expended first during each school year."

**Amendment No. 7**

On page 3, line 40, of the printed bill, after "section", insert "for each county".

**Amendment No. 8**

On page 3, line 45, of the printed bill, after "remaining", insert "for each county".

**Amendment No. 9**

On page 4, line 13, of the printed bill, strike out "sixteen dollars (\$16)", and insert "twenty-one dollars (\$21)"; and in line 16, strike out "sixteen dollars (\$16)", and insert "twenty-one dollars (\$21)".

**Amendment No. 10**

On page 4 of the printed bill, strike out lines 25 to 29, inclusive, and insert  
"(e) The Superintendent of Public Instruction shall then determine the balances required to meet the foundation program in those counties described in (d) and allocate such amounts to each school district, county elementary supervision fund and unapportioned elementary school fund  $37\frac{1}{2}$  per cent from the school fund and  $62\frac{1}{2}$  per cent from the State General Fund, provided that in no event shall a school district receive any added allocation provided herein unless a tax of eighteen cents (\$0.18) has been levied for the support of the schools in such district during the current school year on each one hundred dollars (\$100) of assessed valuation in each elementary school district as shown by the equalized assessment roll of the district for the preceding year."

**Amendment No. 11**

On page 4, line 31, of the printed bill, after "section", insert "together with an additional amount appropriated from the General Fund sufficient to make a total of not less than \$800,000.00 per year."

**Amendment No. 12**

On page 4, line 47, of the printed bill, strike out "Emergency", and insert "Additional".

**Amendment No. 13**

On page 4, line 50, of the printed bill, strike out "Education", and insert "Control".

**Amendment No. 14**

On page 4, lines 51 and 52, strike out "for emergency conditions".

**Amendment No. 15**

On page 5, line 6, of the printed bill, strike out "such", and after "districts", insert "and counties".

**Amendment No. 16**

On page 5, line 10, of the printed bill, strike out "emergency".

**Amendment No. 17**

On page 5 of the printed bill, strike out lines 15 to 36, inclusive, and insert

"(a) Allocations to school districts under this article shall be made in such a manner as to keep the amount drawn from the General Fund at a minimum and maintain the relationship between allocations from the General Fund and the school fund prescribed by the Constitution.

(b) The maximum amount to be expended from the General Fund under the provisions of this article shall be  $166\frac{2}{3}$  per cent of the balance retained in the school fund or the amount appropriated from the General Fund under the provisions of Article 4 of this chapter, whichever is greater.

(c) No school district shall receive any allocation under this section unless a tax of eighteen cents (\$0.18) on each one hundred dollars (\$100) of assessed valuation as shown by the equalized assessment roll of the district for the preceding year has been levied for the support of the elementary schools of the district during the current year."



**Amendment No. 18**

On page 5, line 40, of the printed bill, strike out "6773", and insert "6971".

**Amendment No. 19**

On page 5, line 51, of the printed bill, strike out "April 30", and insert "May 31".

**Amendment No. 20**

On page 6, line 11, of the printed bill, strike out "Education", and insert "Control".

**Amendment No. 21**

On page 6 of the printed bill, between lines 11 and 12, insert

"Article 7. Transfer of Classroom Allowances Not Used

Section 7088. At the end of each school year each school district shall pay to the unapportioned county elementary school fund one-tenth of the amount of State apportionments received for each classroom unit for each full month of the school year in which a teacher was not employed for such classroom unit.

It shall be the duty of the county superintendent of schools to make demand upon each school district for amounts payable to the unapportioned county elementary school fund under the provisions of this article."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 820**—An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code, to amend the heading of Article 3 of Chapter 13 of Division 2 of said code and to amend Sections 6771, 9176, 11382, 16005, and 16482 of said code, and to add Section 20655 to said code, all relating to the Public School System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 6 of the title of the printed bill, after the first comma insert "to renumber Section 20941 of said code,".

**Amendment No. 2**

On page 3 of said bill, following line 14, insert

"SEC. 10. Section 20941 of said Code is renumbered to read:

"[20941.] 20491. The board shall set up an examination or shall evaluate the qualifications of vocational teachers desirous of qualifying for the Baccalaureate Degree. The evaluation shall be based upon the education, completion of approved vocational teacher training, occupational experience, supervisory experience, and managerial experience of the candidate. The board is authorized to recommend to State colleges the number of units to be allowed toward a Baccalaureate Degree, but shall not recommend that a candidate be granted more than 40 units for occupational experience, supervisory experience and managerial experience. The evaluation shall be at the discretion of the board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 61**—An act to amend Section 1012 of the Education Code, relating to contracts made by governing boards of school districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 2, line 19, of the printed bill, as amended, strike out "fifty dollars (\$50)" and insert "twenty-five dollars (\$25)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 792**—An act to amend Section 185 of the Education Code, relating to traveling expenses.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1214**—An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1246**—An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 4271, 4277, and 4287," and insert "Section 4277".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 and 2; and on line 3, strike out "SEC. 2.", and insert "SECTION 1."

**Amendment No. 3**

On page 2, lines 20 and 21, of said bill, strike out "three dollars (\$3)", and insert "six dollars (\$6)".

**Amendment No. 4**

On page 2 of said bill, strike out lines 27 to 47, inclusive; and on line 48, strike out "and 4287, respectively," and insert "SEC. 2. The compensation provided by Section 4277".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1299**—An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, lines 6 and 7, of the printed bill, strike out "four hundred dollars (\$5,400)", and insert "one hundred dollars (\$5,100)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 811**—An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereto a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the Board of Directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of a city of the sixth class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 145**—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding Section 14.8, relating to judgments against district directors, officers, agents and employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 303**—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1215**—An act to add Chapter 3.5, comprising Section 8301, to Division 4 of the Education Code, relating to the study of child growth and development.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 490**—An act to amend Sections 19302, 19304 and 19307 of the Education Code, all relating to school cafeterias.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 5, of the printed bill, after "may", insert "by resolution".

##### Amendment No. 2

On page 1 of said bill, strike out line 13, and insert "made a charge against the funds of the school district by this chapter, and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter."

**Amendment No. 3**

On page 1 of said bill, strike out lines 27 and 28, and insert "items made a charge against the funds of the school district by this chapter, and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 742**—An act to amend Section 6332 of the Education Code, relating to statements by school districts of receipts and expenditures.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 955**—An act to add Article 1.5, comprising Section 20041, to Chapter 1 of Division 10 of the Education Code, relating to withdrawal of money from the State treasury by The Regents of the University of California.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1060**—An act to add Sections 2456.1 and 3591.1 to the Education Code, and to amend Education Code Sections 3661.1 and 3671, relating to the formation of districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1216**—An act to amend Section 14135 of the Education Code, and to add Section 14135.1 to said code, relating to classified employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1217**—An act to add Section 14121.5 to the Education Code, relating to the appointment of limited term employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2017**—An act to add Section 20154 to the Education Code, relating to Hastings College of Law.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2179**—An act to amend Section 3 of the Los Angeles County Flood Control Act, relating to the board of supervisors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 793**—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1044**—An act to add Section 433.5 to the Political Code and to add Section 12422 to the Government Code, relating to duties of the Controller.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1532**—An act to amend Sections 2, 9, 9.1, and 9.2 of, and to add Sections 6.1 and 8.2 to, the "Metropolitan Water District Act," approved May 10, 1927, relating to the definitions of certain terms, providing for the addition or inclusion of areas to or in metropolitan water districts and providing for the effect thereof, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts, county water districts, and county water authorities, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district, county water district, or county water authority, so included within any such metropolitan water district and providing the effects thereof, providing for the election to pay the taxes or a portion thereof levied by any such metropolitan water district out of the municipal funds of any municipality whose corporate area is comprised within an overlying municipal water district, municipal utility district, public utility district, county water district, or county water authority, whose corporate area is included within such metropolitan water district, providing for presentation of claims and demands against metropolitan water districts, and declaring the severability of the provisions of this act.

Bill read second time, and ordered to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1844**—An act to amend Sections 20019 and 20608 of, and to add Sections 20019.1, 20021.1, 20461.1, 20606.1 and 20608.1 to the Government Code, relating to the State Employees Retirement System, and defining the status of motor coach operators therein.

Bill read third time, and presented by Senator Powers.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1064**—An act to amend Section 3931 of the Elections Code, relating to ballots.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1843**—An act to amend Sections 89.5 and 89.6 of the Agricultural Code, relating to the power and duties of district agricultural associations, and the use of county fair property.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2016**—An act to repeal Division 7 of the Agricultural Code, relating to acts repealed by said code.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1721**—An act to amend Section 511.9 of the Vehicle Code, relating to prima facie speed limits near military and naval establishments or housing projects.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1586**—An act to amend Section 380.61 of the Agricultural Code, relating to horse transportation penalty.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1589**—An act to amend Section 400 of the Agricultural Code, relating to bovine animals, horses, mules and burros.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1592**—An act to amend Section 3341 of the Civil Code, relating to animals.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1591**—An act to amend Section 369 of the Agricultural Code, relating to bovine animals.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1587**—An act to amend Section 380.60 of the Agricultural Code, relating to sales and gifts of animals and the carcasses, skins, or hides thereof.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 726**—An act to repeal Sections 19810 and 19811 of the Health and Safety Code, and to add Sections 19810, 19811, 19812, 19813, 19814, 19815, and 19816 thereto, relating to articles of wearing apparel, cloth, drapery or other fabric or material made from or containing natural or synthetic fiber, including such thereof as are inflammable and constitute a risk of fire and a hazard of injury to life and property, providing for regulation of the use of such articles, and declaring the urgency of this act, it to take effect immediately.

Bill read third time, and presented by Senator Donnelly.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating,

Kuchel, McBride, McCormack, Mixer, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### RECESS

At 10.59 a.m., on motion of Senator Dilworth, the Senate recessed to hear the remarks of Mr. Sam Fulton, Past President of the Gideons Society of America.

#### REASSEMBLED

At 11.10 a.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1825**—An act to amend Section 713 of the Vehicle Code, relating to the use of streets by vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1826**—An act to amend Section 714 of the Vehicle Code, relating to limitation upon the weight of vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 256**—An act to amend Section 252 of the Vehicle Code, relating to chauffeurs.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Keating, Kuchel, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 904**—An act to amend Sections 293, 315 and 316 of, to repeal Section 307 of, and to add Section 307 to, the Vehicle Code, relating to suspensions and revocations.

Bill read third time.



**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 35, of the printed bill, insert a period after "days", and strike out the balance of said line; and strike out all of lines 36 to 45, inclusive.

**Amendment No. 2**

On page 2, line 46, of the printed bill, strike out "(d)", and insert "(c)".

**Amendment No. 3**

On page 3, line 1, of the printed bill, strike out "(e)", and insert "(d)".

**Amendment No. 4**

On page 3, line 24, of the printed bill, after "probation", insert a semi-colon, and strike out the balance of said line and all of line 25.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2045**—An act to repeal Sections 4010, 4011, 4151, 4152, 4153, 4155, 4156, 4157, 4158, 4160, 4161, and 4162 of, and to add Sections 4010, 4011, 4012.5, 4151, 4152, 4153, 4155, 4156, 4157, 4160, 4161, 4162, 4164, 4165, 4166, 4167, and 4168 to, the Public Resources Code, relating to forestry.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 392**—An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to work performed by force account.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 15", and insert "Sections 2c and 15".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "performed by force account", and insert "and services performed for the Los Angeles County Flood Control District".

**Amendment No. 3**

On page 2 of said bill, after line 51, insert

"SEC. 2. Section 2c of said act is amended to read:

Sec. 2c. The civil service commission of the county of Los Angeles and the civil service department of said county shall be ex officio the civil service commission and ex officio the civil service department of the Los Angeles County Flood Control District. [and said commission and the members of said department shall perform all of the duties herein prescribed without additional compensation except that] The district shall pay for any necessary additional expenses incurred by reason of the performance of [said additional] duties for said district, not to exceed, however, the sum of thirty dollars per month, upon the filing and approval of itemized claims therefor.

*Notwithstanding the provisions of Section 3, each member of the civil service commission of the Los Angeles County Flood Control District shall receive as compensation for his services the sum of fifty dollars (\$50) per month in addition to his compensation as a member of the civil service commission of Los Angeles County."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 652.5, 653, 654, 655, 656, 657, and 658 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

Bill read third time.

**Motion to Amend**

Senator Gordon moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, before "652", insert "651.6, 651.7, 651.8".

**Amendment No. 2**

In the title of said bill, strike out line 5 and insert "652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the".

**Amendment No. 3**

On page 1, line 2, of said bill, before "652", insert "651.6, 651.7, 651.8".

**Amendment No. 4**

On page 1, line 7, of said bill, strike out "Section 651.6 and 651.8", and insert "Sections 654, and 656".

**Amendment No. 5**

On page 1, line 14, of said bill, strike out "656", and insert "659".

**Amendment No. 6**

On page 2 of said bill, strike out lines 13 to 27, inclusive.

**Amendment No. 7**

On page 2, line 28, of said bill, strike out "6", and insert "5".

**Amendment No. 8**

On page 2, line 29, of said bill, strike out "651.6 and 651.8", and insert "654 and 656".

**Amendment No. 9**

On page 2 of said bill, after line 31, insert

"SEC. 6. Section 654 is added to said code, to read:

654. In that portion of the San Joaquin River lying within the boundaries of San Joaquin and Stanislaus counties in that portion of the Tuolumne River from its mouth to the highway bridge opposite Waterford, in that portion of the Stanislaus River from its mouth to the Santa Fe Railroad bridge opposite Riverbank, salmon may be taken by angling or with spear, between April 1st and December 31st.

SEC. 7. Section 655 is added to said code, to read:

655. In that portion of the San Joaquin River from the junction of the Stanislaus River with the San Joaquin River to the highway bridge opposite Mossdale and in that portion of the San Joaquin River lying in Merced County, salmon may be taken by angling between April 1st and December 31st.

SEC. 8. Section 656 is added to said code, to read:

656. In that portion of the Merced River and its tributaries lying above the Santa Fe Railroad bridge near the town of Cressey salmon may not be taken. In all other waters in Merced County, except the San Joaquin River, salmon may be taken by angling or with spear between April 1st and December 31st."

**Amendment No. 10**

On page 2, line 32, of said bill, strike out "SEC. 7. Section 654", and insert "SEC. 9. Section 657".

**Amendment No. 11**

On page 2, line 33, of said bill, strike out "654", and insert "657".

**Amendment No. 12**

On page 2, line 41, of said bill, strike out "SEC. 8. Section 655", and insert "SEC. 10. Section 658".

**Amendment No. 13**

On page 2, line 42, of said bill, strike out "655.", and insert "658."

**Amendment No. 14**

On page 2, line 49, of said bill, strike out "SEC. 9. Section 656", and insert "SEC. 11. Section 659".

**Amendment No. 15**

On page 2, line 50, of said bill, strike out "656.", and insert "659."

**Amendment No. 16**

On page 3, line 4, of said bill, strike out "SEC. 10. Section 657", and insert "SEC. 12. Section 660".

**Amendment No. 17**

On page 3, line 5, of said bill, strike out "657.", and insert "660."

**Amendment No. 18**

On page 3, line 9, of said bill, strike out "SEC. 10. Section 658", and insert "SEC. 13. Section 661".

**Amendment No. 19**

On page 3, line 10, of said bill, strike out "658.", and insert "661."

**Amendment No. 20**

On page 3, line 24, of said bill, strike out "11", and insert "14".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 411**—An act to amend Section 690 of, and add Section 690.26 to, the Code of Civil Procedure, relating to exemptions from executions.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 698**—An act to amend Section 698 of the Fish and Game Code, relating to fish.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1353**—An act to add Article 9, consisting of Sections 240 to 243, inclusive, to Chapter 1 of Division 2 of the Fish and Game Code, relating to taking of deer with bow and arrow.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, McBride, McCormack, Mixer, Shelley, Slater, Tenney, Ward, and Weybret—23.

NOES—Senators Dilworth, Kuchel, Powers, Seawell, and Sutton—5.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 725**—An act to add Sections 13115 and 13116 to Chapter 1 of Part 2 of Division 12 of the Health and Safety Code, relating to fire-proofing of tents and awnings used to temporarily house public gatherings.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

#### Postponement of Consideration

Senator Fletcher moved that his motion to reconsider the vote whereby Assembly Bill No. 302 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

#### Postponement of Reconsideration

Senator Breed moved that the motion by Senator Hatfield, to reconsider the vote whereby Assembly Bill No. 815 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.



## RESOLUTIONS

The following resolution was offered :

By Senator Powers :

## Senate Resolution No. 114

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week beginning May 27, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same :

<i>Name</i>	<i>Position</i>	<i>Per Diem</i>
Grace McLaughlin, Secretary to Attaches Committee.....		\$10 00
Alysse Osmonson, Secretary to Rules Committee.....		10 00
Maud Grimshaw, Secretary to Governmental Efficiency .....		10 00
Helen Rhodes, Secretary to Finance Committee.....		10 00
Geraldine Hall, Secretary to Revenue & Taxation.....		10 00
Laura Zacher, Secretary to Judiciary Committee.....		10 00
Ora Lee Allshouse, Stenographer.....		8 00
Annah May Barbee, Stenographer.....		8 00
Josephine Bosley, Stenographer.....		8 00
Margaret Deuel, Stenographer.....		8 00
Lila J. Dodds, Stenographer.....		8 00
Winifred S. Dryden, Stenographer.....		8 00
Wanda Durkee, Stenographer.....		8 00
Walter Ernest, Stenographer.....		8 00
Ann K. French, Stenographer.....		8 00
Flora R. Gilliam, Stenographer.....		10 00
Mildred Grayson, Stenographer.....		8 00
Sylvia M. Johnson, Stenographer.....		8 00
Helen Myers, Stenographer.....		8 00
Sylvia Perry, Stenographer.....		8 00
Muriel Porter, Stenographer.....		8 00
Thelma Richards, Stenographer.....		8 00
Audrey Sellman, Stenographer.....		8 00
Pauline Sheehy, Stenographer.....		8 00
David Shipp, Stenographer.....		8 00
Elizabeth Simpson, Stenographer.....		8 00
Kathryn Tankersley, Stenographer.....		8 00
Della S. Thomas, Stenographer.....		8 00
Betty K. Wallace, Stenographer.....		8 00
Sue R. Wilkins, Stenographer.....		8 00
Lucy H. Wright, Stenographer.....		8 00

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

# FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.58 a.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

## RESOLUTIONS

The following resolution was offered :

By Senator Powers :

## Senate Resolution No. 115

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable two (2) days per week only beginning May 27, 1945, and the

Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

	Per day
Marguerite Bridges, Stenographer-----	\$8.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 116 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### RECESS

At 12.01 p.m., on motion of Senator Carter, the Senate recessed until 1.30 p.m.

#### REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator Carter moved a call of the Senate.

Motion carried.

Time, 1.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1022**—An act to amend Section 3635 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of tax sale or tax deed.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1023**—An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1024**—An act to amend Sections 3793.5, 3806, 3807.3, 3807.5, 3811 and 3812 of the Revenue and Taxation Code, relating to sales of tax-deeded properties.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1025**—An act to amend Section 3808 of the Revenue and Taxation Code, relating to sales of tax-deeded property.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 191**—An act to add Sections 3088.5 and 3475 to the Welfare and Institutions Code, relating to aid to the blind, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Slater, Sutton, Ward, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 770**—An act to add Section 114.5 to the Welfare and Institutions Code, relating to the rules and regulations of the State Department of Social Welfare.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 420**—An act to amend Section 2140 of the Welfare and Institutions Code, relating to aid to the aged, and prohibiting

discrimination against practitioners of particular types of healing arts in the rules for the administration thereof.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 987**—An act to amend Section 2182 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 799**—An act to amend Sections 2160, 2160.7, and 2163 of the Welfare and Institutions Code, relating to aid to the aged, revising the provisions for payments to and in respect to persons in public institutions, and modifying the personal property qualification for such aid.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1808**—An act to add Sections 3473.1, 3473.2, and 3474.5 to, the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and providing for procedures and actions in relation thereto.

Bill read third time, and presented by Senator Biggar.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1877**—An act providing for the publication and distribution of a State Blue Book.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1484**—An act to amend Sections 362 and 362b of the Civil Code, relating to corporations.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2061**—An act to amend Sections 1731.5, 1732, 1737, 740, 742, 743, 744, 745, 747, and 749 of the Welfare and Institutions Code, relating to commitments of young persons to the Youth Authority and to other public and private agencies and persons by juvenile and other courts.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2062**—An act to add Section 1767.5 to the Welfare and Institutions Code, relating to the Youth Authority, and authorizing payments by the Authority for care of persons paroled by the Authority.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2063**—An act to add Sections 1737.1 and 1768.7 to the Welfare and Institutions Code, relating to persons committed to the Youth Authority.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2064**—An act to amend Section 1741 of the Welfare and Institutions Code, relating to furnishing information to the Youth Authority concerning persons committed to it.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2065**—An act to add Section 1154 to the Welfare and Institutions Code, relating to the expenses of returning escapees to the Youth Authority.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 573**—An act to add Section 86a to the Code of Civil Procedure, relating to destruction of old records.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 410**—An act to amend Section 690.11 of the Code of Civil Procedure, relating to exemptions from execution.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1534**—An act to amend Section 7616 of the Business and Professions Code, relating to funeral establishments.

Bill read third time, and presented by Senator Burns.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1421**—An act to amend Section 235 of the Code of Civil Procedure, relating to the summoning of juries of inquest and of juries in justices' courts.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1218**—An act to add Sections 252.6 and 252.7 to the Health and Safety Code, relating to school audiometrists.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1219**—An act to amend Sections 13059.2, 16441 and 16443 of the Education Code, relating to school supervisors of health.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1397**—An act to add Section 1503.3 to the Education Code, relating to the contracts between governing boards of elementary school districts for the education of pupils.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1575**—An act to add Article 9 to Chapter 1 of Division 5 of the Education Code, relating to instruction by correspondence in public schools.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 596**—An act to add Section 10301.3 to the Education Code, relating to courses of study in elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 731**—An act to amend Sections 5363, 5364 and 5366 of the Education Code and to add Section 5363.1 to said code, relating to the tuition and transportation of high school pupils attending high school in an adjoining State.

Bill read third time, and presented by Senator Dillinger.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 120**—An act to amend Section 2 of an act entitled "An act providing for the creation of revolving funds in the counties and townships of the State," approved May 9, 1923, relating to the bond to be furnished as surety for such revolving fund.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Keating,



Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1781**—An act to add Section 10270.97 to the Insurance Code, relating to selected group disability insurance.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 520**—An act to amend Section 261b of the Code of Civil Procedure, relating to fees for phonographic reporting.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 989**—An act to amend Section 4288 of the Political Code, relating to the payment of the salary of the county assessor.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 76**—An act to amend Section 737w of the Political Code, relating to the salary of the judge of the Superior Court of the County of Mendocino.

Bill read third time, and presented by Senator Biggar.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2053**—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the Superior Court in Ventura County.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 419**—An act to amend Section 7 of an act entitled “An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein,” approved May 23, 1925, relating to municipal courts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 486**—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices’ courts in townships and cities.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Keating, Kuchel, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 109**—An act to amend Sections 1, 2, 3 and 4 of and to add Section 6 to the act entitled “An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately,” approved May 3, 1945, authorizing the acquisition of Federal surplus property by any county, city and county, city, municipal corporation or public district of or within this State, whether directly from the United States, its instrumentalities or agencies or through or from the State, and regulating the manner of such acquisition, this act to take effect immediately.

Bill read third time, and presented by Senator Brown.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, McBride, Mixer, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1765**—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 501**—An act to add Section 5½ to the County Water District Act, relating to directors of county water districts.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2178**—An act to amend Section 4004.5 of the Political Code, relating to loans by counties to fire districts and park, recreation and parkway districts, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Breed.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 249**—An act to amend Section 370 of the Elections Code, relating to the preparation of indexes of registration.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 268**—An act to amend Section 5730 of the Elections Code, relating to ballots.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 922**—An act to add Section 1225 to the Government Code, relating to the destruction of city records no longer required.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1522**—An act to add Section 2848 to the Elections Code, relating to change of residence by county central committeeman.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 872**—An act to amend Section 5811 and to add Section 5814 to the Labor Code, relating to a penalty for delay in the payment of workmen's compensation benefits.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 248**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code, relating to the preparation and furnishing of indexes of registration.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Keating, Kuchel, Mixter, Rich, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 269**—An act to add Section 2670.1 to the Elections Code, relating to printing and distribution of election forms.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dilworth, Dorsey, Fletcher, Hulse, Keating, Kuchel, Mixter, Rich, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—23.  
NOES—Senators Carter, Dilworth, and McBride—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 590**—An act to amend Section 5507 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 139**—An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Section 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Keating,

Kuchel, McBride, Mixter, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 645**—An act to add Sections 1550.1, 2183.5, 3084.1 and 3475 to the Welfare and Institutions Code, and to repeal Section 2183.9 of said code, relating to the granting of public assistance to former recipients thereof.

Bill read third time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "3475", and insert "3476".

##### Amendment No. 2

On page 2, line 20, of said bill, strike out "3475", and insert "3476".

##### Amendment No. 3

On page 2, line 21, of said bill, strike out "3475", and insert "3476".

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### RESOLUTIONS

The following resolution was offered:

By Senator Hulse:

##### Senate Resolution No. 116

Relative to a Senate Committee on State and Local Taxation to make inquiry into every phase of taxation, creating the Committee and defining its powers and duties.

WHEREAS, The economy of the State of California has during the past four years gone through a revolutionary change so that the State may now be classified as industrial rather than agricultural; and

WHEREAS, This change has resulted in bringing into the State industries and properties of large value which have not previously been considered in our tax structure, and has created new governmental problems; and

WHEREAS, The increased population incident to this change in our economy has also created new governmental problems and made new demands upon both local and State Government; and

WHEREAS, The war industries, though they have given rise to unprecedented revenues for the State, have created new problems requiring large expenditures of money both by State and local governments, and the tax returns to local government have not been commensurate with the added costs of the services required; and

WHEREAS, The unprecedented growth of motor transportation and the change over to the use of diesel fuel in motor transportation during the war period, together with the added population of our State and the concentration in industrial centers, has materially changed the requirements for the support of highways, streets, and bridges; and

WHEREAS, The transition from war conditions to peace conditions will create particularly difficult problems for local and State Governments in California, drastically affecting both the demands upon Government and the revenue structure; and

WHEREAS, It appears that there may be large sums in the way of Federal subsidies granted both to the State and local governments, in the postwar period, which will directly affect the revenue structure and will require careful examination to coordinate the disposition of these subsidies equitably into the entire revenue program of both State and local government; and

WHEREAS, From the beginning of the State's History, the ad valorem tax has been and still is the fiscal mainstay of local government and has not been adjusted to meet the new conditions; and

WHEREAS, The administration of taxation by the State and by the local governments has not been modernized, in fact has not been materially changed to bring it into line with present or prospective needs; and

WHEREAS, The relative burden of our several taxes on the different classes of taxpayers and different classes of property has not been fully determined; and

WHEREAS, There are new classes of property and rights that have grown up in the State that are not subject to taxation; and

WHEREAS, The return to peace time conditions will undoubtedly see the falling off in revenue from our present taxes and tax rates, coupled with a demand for increased and additional governmental services and the need for greater revenues to meet the cost of such services; and

WHEREAS, Neither the State nor local governments have available to their legislative bodies information concerning all the varied phases of this problem adequate to legislative consideration and action in the endeavor to find and effect a solution; and

WHEREAS, For many years the burdens of Government have been increasing both for the State and local governments, including many fixed charges not controllable by administrative bodies but brought about in answer to the demand of the people expressed in continuing legislation or in constitutional requirements, it is imperative that an appraisal be made so that revenues may be made adequate to meet the demands of Government, both local and State, and the burdens of taxation may be equitably distributed upon and among the several classes of property and of taxpayers; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on State and Local Taxation is hereby created and appointed, and authorized and directed, to ascertain, study, and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution, particularly including but not limited to each phase of each and every tax (as herein defined) imposed in this State by any governmental agency (State, local, or Federal); the incidence and burden of each such tax upon property, business and the taxpayer and the ability of the latter to pay, also the productivity of each such tax in relation to its cost of administration and in relation to the purposes for which imposed, each of which factors of each tax the committee shall consider, weigh, appraise and evaluate with each such factor of every other tax; the present and prospective revenue needs of each agency of Government and the most equitable means of meeting each such need, taking into consideration all of the varied forms of tax now in use or that might be devised and put into use, and all existing sources of revenue and new sources of revenue that might be developed; administrative methods and procedures which now obtain in respect to each such tax and how they might be improved; present and prospective governmental expenditures of each governmental agency and the bearing thereof upon and relation to each and every form of tax now imposed or that might be devised and imposed; and the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subjects of this resolution; and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

4. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. "Tax" as used herein includes:

(a) Every kind of levy, collection, or charge made by the State Government, or by any city, county, city and county, political subdivision, public district, or other State or local public agency, or by the Government of the United States;

(b) Whether imposed for general governmental purposes or for a special purpose;

(c) Whether a property, transfer, franchise, excise, privilege, or other form of tax;

(d) Whether for revenue or for the purpose of regulation, an assessment made in the apportionment of benefits conferred by improvements made, or a charge for



services or property rendered or delivered, or of any other nature or for any other purpose whatsoever;

(c) Whether called a tax, an assessment, a fee, a license fee, a registration fee, a rental rate, a sales price, or designated by any other name whatsoever.

7. The sum of-----thousand dollars (\$-----), or as much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### MOTION TO RE-REFER SENATE BILL NO. 154

Senator Biggar moved that Senate Bill No. 154 be re-referred to Committee on Finance.

Motion carried.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Assembly Bill No. 1205 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 855

Senate Bill No. 870

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 293—An act to amend Section 647 of the Agricultural Code, relating to conveyances for the hauling of milk;

Senate Bill No. 339—An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to motor vehicle transportation license taxes;

Senate Bill No. 912—An act to amend Section 332.5 of the Agricultural Code, relating to exempt brands on dairy cattle;

Senate Bill No. 913—An act to amend Section 358 of the Agricultural Code, relating to cattle slaughterer reports;

Senate Bill No. 918—An act to add Section 363.4 to the Agricultural Code, relating to penalties for public sales yards;

Senate Bill No. 1267—An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of May, 1945, at 11 a.m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: Your Committee Rules has examined:

**Senate Joint Resolution No. 19**—Relative to memorializing Congress to maintain the existing gold reserve ratios and to enact legislation to increase the monetary value of gold;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-sixth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: Your Committee Rules has examined:

**Senate Bill No. 238**—An act to amend Sections 13953 and 13954 of the Revenue and Taxation Code, relating to inheritance taxes, and to amend Sections 15552 and 15553 of said code, relating to gift taxes, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 359**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants;

**Senate Bill No. 670**—An act to amend the Business and Professions Code by adding a new section thereto to be known as Section 19624.5, relating to distribution of fees collected under the act relating to the regulation and licensing of horse racing;

**Senate Bill No. 783**—An act to amend Section 643.1 of the Agricultural Code, relating to dairy farm inspection;

**Senate Bill No. 796**—An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption of tax sold and tax deeded property;

**Senate Bill No. 911**—An act to amend Section 334.5 of the Agricultural Code, relating to branded cattle moving from one district to another;

**Senate Bill No. 915**—An act to amend Section 348 of the Agricultural Code, relating to cattle slaughterer license fees;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of May, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 916**—An act to amend Section 336 of the Agricultural Code, relating to brand recordation fees, penalties and elimination of old brands;

**Senate Bill No. 917**—An act to amend Section 333.8 of the Agricultural Code, relating to venting of brands;

**Senate Bill No. 919**—An act to amend Section 363.2 of the Agricultural Code, relating to license and operation of public sales yards;

**Senate Bill No. 972**—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for State lands, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of May, 1945, at 1 p.m.

SEAWELL, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.57 p.m., on motion of Senator Carter, further proceedings under the call of the Senate were dispensed with.

**ADJOURNMENT**

At 3.58 p.m., on motion of Senator Mixter, the President declared the Senate adjourned until 1.30 p.m., Monday, May 28, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

EIGHTIETH LEGISLATIVE DAY

ONE HUNDRED FORTY-FIRST CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Monday, May 28, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Quinn, on motion of Senator Slater, account of legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles Kaeser, Jr., of Philadelphia; Mr. and Mrs. Dwight Johnson, Walter Johnson III, Charles Johnson, Earl Johnson, and Dwight Johnson, Jr., all of Redwood City; and Walter L. Doseh of San Francisco.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Thornton, Sheriff of Solano County, and Edwin Pierce of Vallejo.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ben Corlett, State Bank Examiner.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alma Ernst of Altadena, Mrs. Josephine Bosley of Sacramento, and Isidore B. Dockweiler of Los Angeles.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mildred Taylor (Mrs. Blanding Sloan) of Hollywood.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 4

Assembly Concurrent Resolution No. 66

Assembly Joint Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Constitutional Amendment No. 4**—A resolution to propose to the people of the State of California an amendment to Section 16 of Article V of the Constitution of said State, relating to succession to the powers and duties of the Office of Governor.

Referred to Committee on Governmental Efficiency.

**Assembly Joint Resolution No. 12**—Memorializing Congress to enact legislation allowing the award of interest at the legal rate to successful employee claimants in claims adjusted under the Railway Labor Act.

Referred to Committee on Labor.

**Assembly Concurrent Resolution No. 66**—Relative to inviting President Harry S. Truman to be the guest of the California Legislature.

#### Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 66, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 66

**Assembly Concurrent Resolution No. 66**—Relative to inviting President Harry S. Truman to be the guest of the California Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Resolution ordered transmitted to the Assembly.



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 97  
Assembly Bill No. 213  
Assembly Bill No. 791  
Assembly Bill No. 982  
Assembly Bill No. 1027

Assembly Bill No. 1087  
Assembly Bill No. 1740  
Assembly Bill No. 1874  
Assembly Bill No. 2070  
Assembly Bill No. 2073

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 97**—An act to amend Section 105 of the Code of Civil Procedure, relating to justices' courts, city courts, and justices and judges thereof.

Referred to Committee on Judiciary.

**Assembly Bill No. 213**—An act to amend Sections 5514, 5518, 5550, 5551, 5554, 5560, 5561, 5573, 5580, 5600, and 5604 of, to add Sections 5502, 5557 and 5561.5 to, and to repeal Sections 5513, 5519, 5552, 5553, 5556, and 5572 of the Business and Professions Code, relating to architecture.

Referred to Committee on Business and Professions.

**Assembly Bill No. 703**—An act to amend Sections 326, 328, and 329 and to add Sections 327, 330, and 331 to the Fish and Game Code, relating to public shooting grounds.

Referred to Committee on Fish and Game.

**Assembly Bill No. 791**—An act to amend an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan associations," approved June 12, 1931, to increase the salary of the Building and Loan Commissioner.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 982**—An act to add Section 204f to the Code of Civil Procedure, relating to secretaries of the superior court and fixing salaries.

Referred to Committee on Local Government.

**Assembly Bill No. 1027**—An act to amend Sections 30c, 30h and 30j of the Bank Act, relating to the disposal of unclaimed contents of safe-deposit boxes and unclaimed items of personal property left with banks for safe keeping.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1087**—An act to add Section 538d to the Penal Code, relating to badges or insignia of peace officers.

Referred to Committee on Judiciary.

**Assembly Bill No. 1740**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Referred to Committee on Institutions.

**Assembly Bill No. 1874**—An act to amend Sections 8902, 8937, 8940, 8954, 8966, and 8970 of, and to add Sections 8971, 8972, 8973, 8974, and 8975 to, the Business and Professions Code, relating to the licensing of yacht and ship brokers and salesmen.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2070**—An act to amend Sections 46, 47, 48 and 48a of the Civil Code and add a new section to the Civil Code, to be numbered 45a, relating to libel and slander.

Referred to Committee on Judiciary.

**Assembly Bill No. 2073**—An act to amend Section 726 of, and to add Section 732.5 to, the Welfare and Institutions Code, relating to the jurisdiction of the juvenile court and to proceedings therein.

Referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 114

Assembly Bill No. 675

Assembly Bill No. 1285

Assembly Bill No. 274

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 889**—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 145

Senate Bill No. 811

Senate Bill No. 303

Senate Bill No. 1214

Senate Bill No. 792

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 61

Senate Bill No. 1246

Senate Bill No. 820

Senate Bill No. 1299

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 78**—An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 788**—An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 25**—Relative to memorializing the officers and agencies of the Federal Government to take immediate action for the conversion of the Kaiser Steel Plant at Fontana, California, to a peacetime industry;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-eighth day of May, 1945, at 11 a. m.

SEAWELL, Chairman

**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

**Senate Joint Resolution No. 18**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

**Assembly Bill No. 892**

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

**MOTION TO APPROVE SENATE JOURNAL**

Senator Seawell moved that the Senate Journals of Monday, May 21, 1945; Tuesday, May 22, 1945; Wednesday, May 23, 1945; Thursday, May 24, 1945; Friday, May 25, 1945; and Saturday, May 26, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Desmond asked for, and was granted, unanimous consent to take Assembly Bill No. 1570 out of order for the purpose of amendment.

**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1570**—An act to amend Sections 6854, 6855, 6857, 6860, 6861, 6862, 6863, 6864, 6865, 6871, 6876, 6877, 6878, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6950, 6951, and 6956, and to add Sections 6866 and 6947, and to amend and

renumber Sections 6866 and 6867, and to renumber Sections 6939 and 6940, and to repeal Section 6944 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read third time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendment:

**Amendment No. 1**

On page 10, line 28, of the printed bill, as amended, after "of", insert "his estate".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 59:** By Senator DeLap—Relative to approving certain amendments to the charter of the City of Richmond, a municipal corporation in the county of Contra Costa, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the fourteenth day of May, 1945.

**Request for Unanimous Consent**

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 59, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 59**

**Senate Concurrent Resolution No. 59**—Relative to approving certain amendments to the charter of the City of Richmond, a municipal corporation in the county of Contra Costa, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the fourteenth day of May, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Quinn:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 28, 1945

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507



and 1514 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, and providing for the reversion of certain funds to the General Fund.

Respectfully submitted.

SENATOR QUINN

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 28, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Military and Veterans Affairs.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—30.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

**Senate Bill No. 1302:** By Senator Quinn—An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507 and 1514 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, and providing for the reversion of certain funds to the General Fund.

Referred to Committee on Military and Veterans Affairs.

Chief Assistant Secretary Cleve V. Taylor at the Desk

#### CONSIDERATION OF DAILY FILE

#### UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Bill No. 176**—An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 176?

#### Amendment No. 1

On page 1, line 10, of the printed bill, strike out "or the Department of Navy approv-", and insert "approving surrenders of, or cancelling, such leases, when such copies are certified by the Commissioner of the General Land Office of the Department of the Interior, copies of instruments filed with said Commissioner of the General Land Office which have been executed and acknowledged in a manner which would entitle them to be recorded and by which any interest in such leases or in the production thereunder is conveyed or quitclaimed, when such copies are certified by said

Commissioner of the General Land Office, may be recorded without acknowledgment or further proof, and when any such copy of any such letter or instrument certified as aforesaid is recorded, the record thereof shall have the same force and effect as though it was of the original instrument; and".

**Amendment No. 2**

On page 1 of said bill, strike out lines 11 to 14, inclusive.

**Amendment No. 3**

On page 1, line 8, of the printed bill, as amended, insert a comma after "officers", and strike out "and".

**Amendment No. 4**

On page 1, line 12, of said bill, strike out the comma, and insert "and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 176 by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jepsen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1080**—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1080?

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert "and to add Section 7.1 to".

**Amendment No. 2**

On page 3 of the printed bill, after line 45, insert

"[If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this paragraph the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him.

All references to Title IX of the Social Security Act contained in this section shall be deemed to refer to Title IX of the Federal Social Security Act or to the corresponding provisions of the Federal Internal Revenue Code or any other Federal Act into which the provisions of said title now are or hereafter may be incorporated.]

SEC. 2. Section 7.1 is added to said act, to read:

Sec. 7.1. If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this paragraph the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1080 by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1363**—An act to amend Sections 5015 and 5157 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 9, 1945, be further amended as follows:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out “, and to add Section 6307 to,”.

##### Amendment No. 2

In line 3 of the title of said bill, strike out “the acquisition of”.

##### Amendment No. 3

On page 3 of said bill, strike out line 4; and in line 5 strike out “6307”, and insert “SEC. 3”.

##### Amendment No. 4

On page 3, line 6, of said bill, after “on”, insert “ocean”.

##### Amendment No. 5

On page 3, line 10, of said bill, strike out “Beach Erosion Control Engineer of the”.

##### Amendment No. 6

On page 3, line 14, of said bill, strike out “would”, and insert “might”.

TENNEY

CALL

DE LAP

DUNN

PARKMAN

MIDDOUGH

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

NOES—None.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325,

17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate as amended on May 7, 1945, be concurred in.

DE LAP  
BREED  
BIGGAR

FOUR  
FIELD

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybreth—35.

NOES—None.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

#### Motion to Reconsider Assembly Bill No. 302

Pursuant to his motion previously made, Senator Fletcher moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 302 was passed.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried. Time, 2.29 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### MOTION TO SET SPECIAL ORDER

Senator Rich moved that Assembly Bill No. 500 be made a special order of business for Tuesday, May 29, 1945, at 2.30 p.m.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.



**Motion to Reconsider Assembly Bill No. 815**

Pursuant to his motion previously made, Senator Hatfield moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 815 was passed.

The roll was called, and Assembly Bill No. 815 reconsidered by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—30.

**NOES**—None.

Assembly Bill No. 815 ordered placed on third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 116**—An act to amend Section 5405 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1205**—An act to amend Sections 5048, 5049 and 5055, and to repeal Section 5100 of, and to add Section 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 1176**—An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.40 p.m., on motion of Senator Fletcher, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 302 reconsidered by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Judah, Keating, McCormack, Mixter, Parkman, Seawell, Shelley, Sutton, Swing, and Ward—21.

**NOES**—Senators Biggar, Breed, DeLap, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Jespersen, Kuchel, McBride, Rich, Slater, Tenney, and Weybret—15.

Senate Bill No. 302 ordered placed on third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 866**—An act to amend Section 12041 of the Government Code, relating to Governor's council.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—28.

**NOES**—Senators Deuel, Dillinger, Donnelly, Jespersen, Judah, and Sutton—6.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 869**—An act to amend Section 151 of the State Civil Service Act, and to add Section 18101 of the Government Code, relating to sick leave.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "to amend Section 151 of the State Civil Service Act, and".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "add", and insert "amend".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 18, inclusive, and insert "SECTION 1. Section 18101 of the Government Code is amended".

**Amendment No. 4**

On page 2 of said bill, strike out lines 3 to 7, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, and 47.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read third time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendment:

**Amendment No. 1**

On page 30, line 28, after the period, insert "In no case shall the board issue an on-sale general license or an off-sale general license to any person, firm or corporation already holding such a license under this act."

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Carter, Cunningham, DeLap, Desmond, Deuel, Donnelly, Gordon, Jespersen, Judah, McBride, Shelley, and Sutton—13.

NOES—Senators Breed, Brown, Burns, Collier, Crittenden, Dillinger, Fletcher, Hatfield, Hulse, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—22.

**Secretary J. A. Beek at the Desk**

**Further Amendments to Senate Bill No. 800**

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 29 of the printed bill, as amended, strike out lines 12 to 50, inclusive.

**Amendment No. 2**

On page 30 of said bill, strike out lines 1 to 50, inclusive.

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Carter, Cunningham, Deuel, Donnelly, Dorsey, Gordon, Mayo, Shelley, and Ward—9.

NOES—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Dillinger, Dilworth, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—27.

**Further Amendments to Senate Bill No. 800**

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 15 of the printed bill, as amended, strike out lines 45 to 48, inclusive; and on page 16, strike out line 1.

**Amendment No. 2**

On page 16, line 2, of said bill, strike out "tion as provided under Section 5 of this act; provided, that the", and insert a period and the word "The".

**Amendment No. 3**

On page 16, line 12, of said bill, following "twenty-five dollars (\$25)", insert "The issuance of any on-sale general license or off-sale general license shall be a privilege to do business by a single individual, firm or corporation. The sale or transfer of any on-sale general license or off-sale general license shall be unlawful and shall be punishable as a misdemeanor".

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Carter, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Shelley, and Ward—12.

NOES—Senators Breed, Burns, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—25.

Further consideration of Senate Bill No. 800 continued to the next legislative day on request of Senator Shelley.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

On page 65, lines 10 and 11, of the printed bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 2**

On page 65, lines 14, 15 and 16, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 3**

On page 65, lines 19, 20 and 21, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 4**

On page 65, lines 25 and 26, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 5**

On page 65, lines 30 and 31, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 6**

On page 65, lines 35, 36 and 37, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 7**

On page 65, lines 43 and 44, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 8**

On page 66, lines 2 and 3, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 9**

On page 66, lines 6, 7 and 8, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 10**

On page 66, lines 14 and 15, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 11**

On page 66, lines 18, 19 and 20, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 12**

On page 66, lines 24 and 25, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 13**

On page 66, lines 28, 29 and 30, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 14**

On page 66, lines 33, 34 and 35, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 15**

On page 66, lines 38, 39 and 40, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.



**Amendment No. 16**

On page 66, lines 43, 44 and 45, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 17**

On page 66, lines 51 and 52, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 18**

On page 67, lines 4 and 5, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 19**

On page 67, lines 10 and 11, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 20**

On page 67, lines 14, 15 and 16, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 21**

On page 67, lines 20 and 21, of said bill, as amended, strike out “, payable from the Postwar Employment Reserve”.

**Amendment No. 22**

On page 48, line 30, of the printed bill, as amended, strike out “Robinson”, and insert “Robertson”.

**Amendment No. 23**

On page 48, line 46, of said bill, as amended, after “fish”, strike out the comma.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO RETAIN PLACE ON FILE**

Senator Jespersen moved that Senate Bill No. 160 retain its place on file.

Motion carried.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented :

By Senator Powers :

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to add Section 4290.5 to the Political Code, providing for assistance by the State in the payment of salaries of county sheriffs, and making an appropriation therefor.

Respectfully submitted.

SENATOR POWERS

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 28, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilwerth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1303:** By Senator Powers—An act to add Section 4290.5 to the Political Code, providing for assistance by the State in the payment of salaries of county sheriffs, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of the report of the Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

And appointed Messrs. Werdel, Burkhalter, and Stewart to a second Conference Committee.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**SECOND CONFERENCE COMMITTEE**

**Appointment of Committee on Conference**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Ward, Dillinger, and Carter as a second Senate Committee on Conference concerning Assembly Bill No. 272 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**MOTION TO REFER BILL TO INACTIVE FILE**

Senator Dillinger moved that Senate Bill No. 1246 be placed on the inactive file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Swing moved that Assembly Bill No. 158 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 256  
Assembly Bill No. 726  
Assembly Bill No. 1064  
Assembly Bill No. 1844  
Assembly Bill No. 1586

Assembly Bill No. 1587  
Assembly Bill No. 1589  
Assembly Bill No. 1591  
Assembly Bill No. 270

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 51  
Assembly Bill No. 112  
Assembly Bill No. 634  
Assembly Bill No. 1013  
Assembly Bill No. 1233

Assembly Bill No. 1383  
Assembly Bill No. 1427  
Assembly Bill No. 1556  
Assembly Bill No. 1630  
Assembly Bill No. 2207

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 51**—An act to amend Section 10 of, and to add Sections 10a and 10b to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-half class.

Referred to Committee on Local Government.

**Assembly Bill No. 112**—An act to add Section 1288 to the Business and Professions Code, relating to clinical laboratories.

Referred to Committee on Business and Professions.

**Assembly Bill No. 634**—An act to add Sections 17531.5 and 17533.5 to the Business and Professions Code prohibiting the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1013**—An act to amend Sections 2, 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

Referred to Committee on Local Government.

**Assembly Bill No. 1233**—An act to amend Section 158 of the Business and Professions Code, relating to refunds.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1383**—An act to repeal Section 6136, to add Section 6136, and to repeal Section 6137 and amend Section 6138 of the Education Code, relating to the cancellation of warrants.

Referred to Committee on Education.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Sections 11001 and 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs, as defined therein and providing penalties for the violation thereof.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1556**—An act to amend Section 13805 to the Education Code, relating to salaries of certificated employees of school districts.

Referred to Committee on Education.

**Assembly Bill No. 1630**—An act to add Section 19061.5 to the Business and Professions Code, and to repeal Sections 19062, 19063, 19064, 19065 of said code.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2207**—An act to amend Section 11381 of the Government Code, relating to the filing of regulations of State agencies.

Referred to Committee on Governmental Efficiency.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Constitutional Amendment No. 28**—A resolution to be proposed to the people of the State of California an amendment to the Constitution of the State, by repealing Section 12 of Article XIII thereof, relating to the levy and collection of an annual educational poll tax.

Referred to Committee on Revenue and Taxation.

### REPORTS OF STANDING COMMITTEES

#### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 576

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

#### Committee on Education

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 479

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.



**ADJOURNMENT**

At 5.48 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m. Tuesday, May 29, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

EIGHTY-FIRST LEGISLATIVE DAY

ONE HUNDRED FORTY-SECOND CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Tuesday, May 29, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Parkman, on motion of Senator Weybret, account of legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senators Fletcher and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Arnold Waybur, Mrs. John Allen Fulton, and Mrs. Henry Walter Gibbons, all of Sacramento.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Private First Class George Moreland of Oakland.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. E. Hurst of Oakland.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel and Mrs. Robert N. Hicks, United States Army, and Rudy Schmoke, President of the Highway Patrol Association of San Diego.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO 14, May 29, 1945

*Honorable Joseph A. Beek, Secretary of the Senate  
Senate Chamber, State Capitol*

DEAR MR. BEEK: A motion has been made and carried in the Assembly, instructing me to request the Senate to return Assembly Bill No. 815 to the Assembly, for further consideration.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.

#### MOTION TO RETURN ASSEMBLY BILL NO. 815

Senator Seawell moved that Assembly Bill No. 815, be returned to the Assembly pursuant to their request.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 869

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 137**—An act to add Section 14.1 to "The Public Utility District Act," relating to public utility districts;

**Senate Bill No. 372**—An act to add Section 4455.5 to the Health and Safety Code, relating to pollution of water;

**Senate Bill No. 421**—An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code, relating to homesteads;

**Senate Bill No. 572**—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property;

**Senate Bill No. 762**—An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over tollgates, toll bridges and ferries;

**Senate Bill No. 910**—An act to repeal Section 360 of the Agricultural Code, relating to tagging hides;

**Senate Bill No. 1076**—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility of persons who have served in the armed forces thereunder;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1086**—An act to amend Section 56.6 of the Unemployment Insurance Act, relating to unemployment insurance and the provision for enforcement thereunder;

**Senate Bill No. 1088**—An act to add Sections 85 and 86 to the Unemployment Insurance Act, relating to unemployment insurance and the administration thereunder;

**Senate Bill No. 1194**—An act to add Section 19540 to the Business and Professions Code, relating to horse racing;



And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1945, at 1 p.m.

SEAWELL, Chairman

#### Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 597

Assembly Bill No. 1996

Assembly Bill No. 1239

Assembly Bill No. 2075

Assembly Bill No. 1994

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 1280

Assembly Bill No. 1047

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

#### Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Concurrent Resolution No. 57

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 10; committee vote: Ayes 10.

COLLIER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 674

Assembly Bill No. 811

Senate Bill No. 1295

Assembly Bill No. 812

Assembly Bill No. 467

Assembly Bill No. 813

Assembly Bill No. 810

Assembly Bill No. 2044

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 10.

COLLIER, Chairman

Above reported bills ordered to second reading.

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 408

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 848

Senate Bill No. 1275

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 929

Assembly Bill No. 673

Assembly Bill No. 1431

Assembly Bill No. 227

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

**MOTION TO PRINT REPORT**

Senator McBride moved that the Report of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, be printed in the Journal Thursday, May 31, 1945.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Biggar moved that Senate Bill No. 577 be taken from the inactive file for the purpose of amendment, and placed on the second reading file.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, creating the Clarke-McNary Fund, and making an appropriation, to take effect July 1, 1945.

Bill read second time.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 4 and 5, and insert "contracts, declaring the urgency hereof and providing that this act shall take effect immediately."

**Amendment No. 2**

On page 1 of said bill, strike out line 6, and insert "the General Fund."

**Amendment No. 3**

On page 1 of said bill, strike out lines 7 to 24, inclusive; and on page 2, strike out lines 1 to 17, inclusive, and insert

"SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect, to become operative July 1, 1945. A statement of the facts constituting such necessity is as follows:

Funds for expenditures for fire protection of timber and brush covered lands are made available by the Budget Act of 1945, which funds are affected by this bill. In order to avoid confusion in the financing of the fire protection and to make certain that

adequate funds will be provided for such fire protection upon the commencement of the season of fire hazards, it is essential that this act take effect immediately, and to become operative July 1, 1945".

Amendments read and adopted.

Bill ordered printed, and to second reading.

#### CONSIDERATION OF DAILY FILE

##### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 13?

##### Amendment No. 1

On page 2, line 2, of the printed bill, after "elected to the", insert "Assembly and".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Constitutional Amendment No. 13 by the following vote:

AYES—None.

NOES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—29.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Dilworth, Kuchel, and Judah as a Senate Committee on Conference concerning Senate Constitutional Amendment No. 13 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### SECOND READING OF SENATE BILLS

**Senate Joint Resolution No. 18**—Relative to the construction of an electric transmission line from Shasta Power Plant to San Francisco Bay.

Resolution read.

##### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

In the title of the printed measure, as amended, strike out lines 2 and 3, and insert "the Central Valley Project."

##### Amendment No. 2

On page 1 of said measure, strike out lines 6 to 13, inclusive.

##### Amendment No. 3

On page 1 of said measure, strike out lines 17 to 20, inclusive, and insert "growth; now, therefore, be it".

##### Amendment No. 4

On page 1, line 25, of the printed bill, after "for the", insert "completion of the Central Valley Project as soon as possible, and the".

**Amendment No. 5**

On page 1 of said measure, after line 30, insert  
"Resolved, That the immediate construction of the cross channel, the West Side Canal, and the Friant-Kern Canal is urged; and be it further".

**Amendment No. 6**

On page 2, line 2, of said measure, strike out "Vice President", and insert "President pro tempore of the Senate".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 4 and 5, and insert "to at least 20 per cent of the electors".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 892**—An act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 576**—An act to amend Sections 19598, 19620 and 19627 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Bill read second time.



## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "19598, 19620 and 19627 of", and insert "19561, 19620, and 19627 of, and to add Sections 19490 and 19539 to,".

**Amendment No. 2**

In lines 2, 3, and 4 of the title of said bill, strike out "and the redistributions from pari-mutuels conducted in connection therewith".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 22, inclusive; and on page 2, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. Section 19490 is added to the Business and Professions Code, to read: 19490. In order to encourage and develop harness racing, whenever a fair conducted by the State Agricultural Society, or a district or county fair conducts a program of horse races on which there is pari-mutuel wagering, it shall, so far as practicable, provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

SEC. 2. Section 19539 is added to said code, to read:

19539. In addition to the racing days which may be allowed under other sections of this chapter, the board may allow not to exceed a total of 50 days for harness racing only.

SEC. 3. Section 19561 of said code is amended to read:

19561. The board may prescribe rules, regulations, and conditions consistent with the provisions of this chapter under which all horse races, upon the results of which there is wagering, shall be conducted within this State. *The board may adopt the rules and regulations of the United States Trotting Association, not inconsistent with this chapter, for the regulation of harness racing. As used in this chapter, "harness racing" is the form of horse racing in which the horses are harnessed to a sulky, carriage, or similar vehicle, as distinguished from the form of horse racing in which the horses participating are mounted by jockeys.*"

**Amendment No. 4**

On page 2, line 6, of said bill, strike out "SEC. 2.", and insert "SEC. 4.".

**Amendment No. 5**

On page 2, line 14, of said bill, strike out "SEC. 3.", and insert "SEC. 5.".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 158**—An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 160**—An act relating to the regulation of the practice of naturopathy.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Carter, Crittenden, Dillinger, Fletcher, Jespersen, Judah, and Swing—7.

**NOES**—Senators Breed, Burns, Collier, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—25.

**Senate Bill No. 869**—An act to amend Section 18101 of the Government Code, relating to sick leave.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, and 47.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read third time.

#### Motion to Amend

Senator Gordon moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "57," insert "59.5,".

#### Amendment No. 2

On page 38 of said bill, between lines 24 and 25, insert

"SEC. 43. Section 59.5 of said act is amended to read:

Sec. 59.5. [Any on or off-sale licensee who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day, is guilty of a misdemeanor.] *Any on-sale or off-sale licensee who sells, gives, or delivers to any person any alcoholic beverage at any time except between the hours of 6 o'clock, a.m. and 12 o'clock midnight of the same day, is guilty of a misdemeanor."*

Amendments read.

#### Roll Call Demanded

Senators Gordon, Jespersen, and Biggar demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Judah, Kuchel, McCormack, Mixer, Salsman, and Slater—18.

NOES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Hatfield, Hulse, Keating, Mayo, McBride, Powers, Rich, Seawell, Shelley, Sutton, Swing, Tenney, Ward, and Weybret—19.

The question being on the final passage of Senate Bill No. 800.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—Senators Biggar, Carter, Donnelly, and Judah—4.

Bill ordered transmitted to the Assembly.

## EXPLANATION OF VOTE ON SENATE BILL NO. 800

May 29, 1945

I voted for Senate Bill No. 800 after being assured by the author of the measure that he would accept my amendments to Section 18, the effort of which would be to strike from the bill those provisions which might permit the Board of Equalization to disregard court decisions defining a bona fide restaurant, as that term is used in the Constitution.

SENATOR BYRL R. SALSMAN  
SENATOR ED FLETCHER

## COMMUNICATIONS

The following communication was received and read, and on motion of Senator Hatfield, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO 2, May 28, 1945

Honorable George J. Hatfield, Senate Chamber  
State Capitol, Sacramento, California

Effect of passage of Budget Bill, Assembly Bill No. 500, by a majority,  
but less than a two-thirds vote—No. 5666.

DEAR SENATOR HATFIELD: You direct attention to the report by the Director of Finance that "fixed charges and recurrent appropriations for 1945-47 already on the statute books prior to the enactment of the 1945 Budget Bill, \* \* \* exclusive of the appropriations for the Public School System" exceed the "maximum allowable under the five per cent limitation" prescribed by Section 34a of Article IV of the State Constitution. (Senate Journal, May 21, 1945, page 2992.)

You ask what, in the light of that fact, would happen in respect to the support of the State Government, commencing July 1 next, should the Budget Bill, Assembly Bill No. 500, receive a majority but not a two-thirds vote in either house of the Legislature.

The result, in my opinion, would be a failure of funds in respect to all State functions (except the public school system) supported from the General Fund.

The Constitution declares that (after the prescribed limit has been reached) all subsequent appropriations from the General Fund (other than for support of the Public School System) not passed by a two-thirds vote in each house "shall be void."

This would render void the General Fund appropriations for the support of such offices and functions as these:

Supreme Court, Judicial Council, District Courts of Appeal (Items 19-24).  
Governor (Items 26-27).

Secretary of State, Controller, Board of Equalization, Treasurer, Attorney General (Items 37, 107, 111, 136, 178).

Departments of Finance, Industrial Relations, Public Health, Social Welfare (Items 115-121; 137-139, 141-144; 228, 229, 231; 247, 248).

State Prisons and the Department of Corrections (Items 45-74).

State Hospitals and the Department of Institutions (Items 145-171).

Legislative expenses other than salaries and mileage of members (Items 2, 3, 5, 6, 8, 9, 10, 11, 12).

State's share of salaries of all judges of the superior court (Item 25).

Some of the State agencies here listed are supported in part from special funds. The functions thus supported could go on. In a few cases salaries are fixed by the Constitution. Those, I think, would continue payable. Save for such exceptions, there would, in my opinion, be no money available for expenditure (July 1, 1945 to June 30, 1947) by any of the agencies or for any of the purposes listed above, unless and until appropriations are made by other bills passed by a two-thirds vote in each house.

Yours very truly,

FRED B. WOOD, Legislative Counsel

## CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Assembly Bill No. 500 was taken up.

## MOTION FOR COMMITTEE OF THE WHOLE

Senator Rich moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 500.

Motion carried.



**In Committee of the Whole**

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

On motion of Senator Rich, the committee did arise and report back to the Senate.

**In Senate**

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

**MOTION TO RESET SPECIAL ORDER**

Senator Rich moved that Assembly Bill No. 500 be made a special order of business for Wednesday, May 30, 1945, at 2 p.m.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 811**—An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereto a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the Board of Directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of a city of the sixth class.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, strike out lines 14 and 15, and insert "organized district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas."



**Amendment No. 2**

On page 2 of said bill, strike out lines 8 and 9 and insert "district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas."

**Amendment No. 3**

On page 3 of said bill, strike out lines 18 to 20, inclusive, and insert "any of the powers now conferred by statute upon sanitary districts as prescribed in Part 1, Division 6, of the Health and Safety Code, and upon fire protection districts in unincorporated areas as prescribed in Part 3, Division 11 of said Health and Safety Code, including the powers to make and enforce rules, regulations, and ordinances relating to fire and sanitary control,".

**Amendment No. 4**

On page 3, line 23, of said title, strike out "Division 7", and insert "Divisions 7 and 10".

**Amendment No. 5**

On page 3 of said bill, strike out lines 24 to 29, inclusive, and insert "the Improvement Act of 1911 and the Improvement Bond Act of 1915, including the power to levy taxes and assessments to maintain the district."

Any district organized under this Division 2 of the act may make and enforce all necessary and proper rules, regulations and ordinances as prescribed by statute relating to the powers of such district under this act and under said statutes relating to said sanitary districts and relating to said fire protection districts in unincorporated areas. Every person who violates any provision of this act or any provision of any rule, regulation or ordinance of a district organized under this act is guilty of a misdemeanor.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**COMMUNICATIONS**

The following communication was received and read, and on motion of Senator Cunningham, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
Sacramento 2, May 26, 1945

*Honorable R. R. Cunningham,  
Senate Chamber,  
State Capitol.*

**SENATE BILL NO. 811 RE CALIFORNIA RESORT DISTRICT ACT NO. 5461**

DEAR SENATOR CUNNINGHAM: Responding to your request for a report and opinion concerning the effect and constitutionality of Senate Bill No. 811 which proposes to amend the "California Resort District Act"; Statutes of 1931, Chapter 1208, page 2521; Deering's 1944 Act No. 6555, we submit the following to your consideration.

**Opinion**

The measure conflicts with the constitutional provisions of Section 24, Article IV, relating to statutory titles, and to the provision of Section 11, Article XI, relating to municipal police power.

**Analysis**

The foundation to the objection relating to the title lies in the body of the bill. The objection to the title will be more readily understood if the objection to the body of the bill is discussed first.

The bill adds a new division to the act to be designated as Division 2. It contains three sections numbered 1, 2, and 4. The constitutional objection lies against such Section 4.

First, it should be observed that the bill does not affect the subject matter of the present law. The present law remains as it is without change. The effect of the amendment is to establish a type of district which is referred to in the title as an "alternative organization of the board of directors" and an "alternatively organized district." The district proposed by the amendment is a new type substantially very different from the present one. This new type of district is designed to include not only all the powers provided in the present law, but adds powers now confined to municipalities organized under the Municipal Corporation Act of 1883, relating to sixth class cities.

#### The Section 4

This section provides that in addition to the powers prescribed by the present law, districts to be organized under the proposed amendment "shall have and enjoy and may exercise all or any of the powers now conferred by statute upon cities of the sixth class."

Notwithstanding the broad nature of the quoted delegation of municipal power, just what is thereby intended is uncertain. It is quite certain that it is not intended to provide a new general law for the organization of municipal corporations, which in providing only for a board of seven directors, a treasurer, and an engineer, does not provide for judicial and other administrative officers. Thus it is indicated very definitely that a new municipal corporation act is not intended and that it is intended that the proposed organization is to be a "district" as distinguished from a municipal corporation.

#### The Delegation of Police Power

The police power of the State, which is merely an expression meaning the power to legislate and govern, is by the Constitution primarily delegated to the Legislature. Otherwise than that, as provided in Section 11, Article XI, of the Constitution, the police power is delegated to counties, cities, towns and townships. Districts are not included within the category of political organizations which may exercise police powers. Law on this subject is firmly established by the rulings of the Supreme and Appellate Courts.

One of the earlier cases under the present Constitution is *In re Werner* (1900) 129 Cal. 567, 572-574 (2) 575 (3). It is there held "A sanitary district, no more than an irrigation district, or a reclamation district, or a drainage district, possesses police powers properly belonging to cities and municipal bodies exercising local governmental functions. Such districts are created for the purpose generally of some special local improvement, and should exercise only such powers as may be conferred upon them by the Legislature in the line of the object of their creation. Although in the nature of public corporations, they are not municipal corporations \* \* \*. The Legislature is also required by general law to provide for the incorporation, organization, and classification in proportion to population of cities and towns. \* \* \* and it is further declared: 'Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws \* \* \*'. The question here is whether the Legislature can graft upon an act designed for some local improvement \* \* \* a subject also which clearly falls within the police powers possessed by cities and other like corporations formed and organized for governmental purposes. Under the rule of construction, *Expressio unius est exclusio alterius*, the Legislature has no authority to create other public corporate bodies—whether called districts or by any other name—and clothe them with the power to make and enforce local, police, sanitary, and other regulations conferred by the Constitution upon counties, cities, towns, or townships."

McFarland, J., concurring said: "the Legislature cannot, under any circumstances, delegate to such a thing as a sanitary district the power of enacting penal legislation. That power must be confined to the municipalities mentioned in the Constitution which are given police powers, etc."

In *Randolph v. County of Stanislaus* (1919) 44 Cal. App. 322, 327 (2), it is said: "an irrigation district formed under the laws of the State of California is not a municipal corporation. A municipal corporation in its strict and proper sense is the body politic and corporate constituted by the incorporation of the inhabitants of a city or town for the purposes of local government thereof."

The decision in *Gilbert v. Stockton Port Dist.* (1936) 7 Cal. (2) 384, holds: "The act providing for the creation of the Stockton Port District declares that any port district created thereunder is a public corporation created for municipal purposes, and delegates to the district the power among others: 'To enact necessary police regulations \* \* \*'. Held: 'The police power is vested primarily in the State. Section 11 of Article XI provides, 'any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.' In the enumeration of political subdivisions to which the Constitution has granted the right to make and enforce police regulations, we do not find port districts, and it is a rule of recognized construction that the expression of one thing necessarily involves the exclusion of other things not expressed."

In *Laguna Beach etc. Dist. v. County of Orange* (1939) 30 Cal. App. (2d) 740, the court said "Plaintiff is a county water district organized under an act of the Legislature. (Stats. 1913, ch. 592, p. 1049; D. A. 9124) \* \* \*. A municipal corporation is created under authority of the State whereby a portion of the State and the inhabitants therein are organized into a political entity that exercises legislative, executive and judicial powers. (Sec. 6, Art. XI et seq., Const.) A city is organized to give its inhabitants certain powers of self-government and is granted broad police powers (Sec. 11, Art. XI, Const.)." "Districts of the nature just discussed (county water districts) are not municipal corporations in the contemplation of the Constitution \* \* \*. Because it lacks the broad legislative, executive and judicial powers of a municipal corporation, it seems clear that a county water

district is not a municipal corporation as that term is technically used in the laws of this State \* \* \*. As to swamp-land, drainage, levee, and reclamation districts, similar to irrigation districts it has been held that they are not municipal corporations."

#### *The title of the bill*

The uncertainty in the section and extent of the municipal powers sought to be given to the district according to the body of the bill is reflected in the title wherein it is said that such alternatively organized districts shall have "generally the powers of a city of the sixth class."

The foregoing comment relating to the Section 4 shows definitely that notwithstanding such wording of the bill it is not intended that such districts shall have general municipal powers.

#### *Conclusion*

The title, as well as the body of the bill, is uncertain and misleading as to what municipal powers are intended to be vested in the district, and is therefore violative of Section 24 of Article IV of the Constitution.

Section 4 of the bill conflicts with Section 11, Article XI, of the Constitution and is therefore void as to municipal powers.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By FRANK V. KINGTON, Deputy

cc: Senator Swing

### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Powers:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to validate certain acts relating to the acquisition and disposition of property securing defaulted payment of any installment on any assessment or reassessment under the Improvement Bond Act of 1915.

Respectfully submitted.

SENATOR POWERS

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 29, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1304:** By Senator Powers—An act to validate certain acts relating to the acquisition and disposition of property securing defaulted payment of any installment on any assessment or reassessment under the Improvement Bond Act of 1915.

Referred to Committee on Judiciary.

### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 936 be taken from the inactive file and placed on the second reading file.

Motion carried.



**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1415**

Senator Mayo moved that Assembly Bill No. 1415 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Assembly Bill No. 1415**—An act to add Section 2222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Bill read second time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2222.5", and insert "2220.5".

**Amendment No. 2**

In lines 2 to 4 of the title, of said bill, strike out ", and imposing limitations upon the cancellation, suspension, or revocation of aid granted".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2222.5", and insert "2220.5".

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 9, inclusive, and insert "2220.5. If the board of supervisors, in accordance with Section 2220, cancels, suspends, or revokes aid, the recipient shall be immediately notified of the county's action and of the reason therefor and the recipient's right to appeal therefrom."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 634**

Senator Tenney moved that Senate Bill No. 634 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 634**—An act to amend Section 2 of an act entitled "An act relating to the National Flag and the Flag of the State of California, and other flags," approved June 7, 1943, relating to display of National and State Flags.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 8, of the printed bill, after "municipality", insert ", except such publicly owned buildings as are used for storage purposes".

**Amendment No. 2**

On page 1 of said bill, between lines 20 and 21, insert "g. At the entrance of, or in, every public park containing more than three acres, and at the entrance of, or in, every public playground, whether such park or playground belongs to a city or county, or city and county, or municipality within the State of California.



h. At or over the entrance or within every public library and branch library occupying a separate building."

**Amendment No. 3**

On page 1, line 21, of said bill, strike out "g.", and insert "l."

**Amendment No. 4**

On page 1, line 24, of said bill, strike out "h.", and insert "j."

**Amendment No. 5**

On page 2 of said bill, strike out lines 1 to 9, inclusive.

**Amendment No. 6**

On page 2 of said bill, following line 11, insert

"l. In front of, or over, or within the main reception or waiting room of every railroad and electric railway station and every union station in all cities and towns having a population of 10,000 and over."

Amendments read and adopted.

Bill ordered printed, and to third reading. Re-referred to Committee on Military and Veterans Affairs.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

Bill read third time.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 2, of the printed bill, strike out "or correctional".

**Amendment No. 2**

On page 2, line 5, of the printed bill, strike out "or correctional".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 54

Senate Bill No. 860

Assembly Bill No. 2120

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1607

Assembly Bill No. 1774

Assembly Bill No. 2116

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:  
Senate Joint Resolution No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

McCORMACK, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 599

Senate Bill No. 991

Assembly Bill No. 2095

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 802

Assembly Bill No. 808

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

**ADJOURNMENT**

At 5.16 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 30, 1945.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

EIGHTY-SECOND LEGISLATIVE DAY

ONE HUNDRED FORTY-THIRD CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 30, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## MOTION TO PRINT PRAYER

Senator Biggar moved that the prayer by the Rev. Dr. Clarence A. Kircher be printed in the Journal.

Motion carried.

## Prayer

Our Heavenly Father, fill our hearts with a flood tide of gratitude on this Memorial Day. Help us to be sensitive to the sacrifices made in our behalf. May our prayer be that of the martyred Lincoln, so that we may "take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom, and that government of the people, by the people and for the people shall not perish from the earth."

We thank Thee for this day:

A day of tender memory,  
A day of sacred hours,  
Of little bands of marching men,  
Of drums, and flags and flowers.

A day when a great Nation halts  
Its mighty throbbing pace;  
It pays its mead of gratitude  
And love with willing grace.

A day to keep from year to year  
In memory of the dead;  
Let music sound and flowers be laid  
Upon each resting bed.—AMEN.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Biggar and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Benjamin Fox of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James C. Goodman of Los Angeles.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1976

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 1976**—An act to amend Section 59.5 of the Alcoholic Beverage Control Act, relating to the hours of sale of alcoholic beverages, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1384  
Assembly Bill No. 2069

Assembly Bill No. 2152  
Assembly Bill No. 2197

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 1384**—An act to amend Section 4082 of the Political Code, and to repeal Sections 140 and 2183.1 of the Welfare and Institutions Code, and Sections 6151 to 6154, inclusive, of the Education Code, all relating to the issuance of duplicate warrants.

Referred to Committee on Local Government.

**Assembly Bill No. 2069**—An act to amend Section 4087b of the Political Code, relating to money remaining unclaimed in the treasury of any city, county, or city and county.

Referred to Committee on Local Government.



**Assembly Bill No. 2152**—An act to amend Section 520 of, and to add Sections 520.2, 520.3, and 545 to, the Fish and Game Code, relating to waters in this State and the protection of fish therein.

Referred to Committee on Fish and Game.

**Assembly Bill No. 2197**—An act to amend Section 1090 of the Government Code, relating to official acts and contracts of public officers.

Referred to Committee on Governmental Efficiency.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 59

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 581	Assembly Bill No. 596
Assembly Bill No. 787	Assembly Bill No. 109
Assembly Bill No. 1063	Assembly Bill No. 872
Assembly Bill No. 1180	Assembly Bill No. 731
Assembly Bill No. 1264	Assembly Bill No. 922
Assembly Bill No. 76	Assembly Bill No. 2076
Assembly Bill No. 248	Assembly Bill No. 1022
Assembly Bill No. 410	Assembly Bill No. 1219
Assembly Bill No. 1978	Assembly Bill No. 1421
Assembly Bill No. 486	Assembly Bill No. 1534
Assembly Bill No. 501	Assembly Bill No. 2178
Assembly Bill No. 269	Assembly Bill No. 370
Assembly Bill No. 590	Assembly Bill No. 1780
Assembly Bill No. 139	Assembly Bill No. 667

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1952

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1388  
Assembly Bill No. 1428  
Assembly Bill No. 2204

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 1388**—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to taxation of property.

Referred to Committee on Judiciary.

**Assembly Bill No. 1428**—An act to amend Section 9606 of and to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 2204**—An act to amend Section 6011 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 27

Assembly Joint Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolutions were read:

**Assembly Joint Resolution No. 27**—Relative to memorializing Congress to enact legislation providing for the prompt return to their homes of runaway, transient, or vagrant children of juvenile age, going from one State to another without proper legal consent, through the use of funds appropriated under the provisions of the Social Security Act for aid to dependent children.

Referred to Committee on Judiciary.

**Assembly Joint Resolution No. 50**—Applying to the Congress of the United States to call a Constitutional Convention to propose an amendment to the Constitution of the United States relating to the making of treaties.

Referred to Committee on Governmental Efficiency.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 191**—An act to repeal Sections 3088 and 3474 of the Welfare and Institutions Code, relating to aid to the needy blind;

And appointed Messrs. Crowley, Lowrey, and Doyle as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Joint Resolution No. 26

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 449

Assembly Bill No. 644

Senate Bill No. 1290

Assembly Bill No. 703

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1912

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 450

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 268

Senate Bill No. 850

Senate Bill No. 331

Senate Bill No. 1291

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and place on inactive file until Budget Bill is passed.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered placed on the inactive file.

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 926

Senate Bill No. 1233

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 154

Senate Bill No. 835

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and place on inactive file until Budget Bill is passed.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

## SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 804

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 809

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 2; 1 not voting.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 793

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill re-referred to Committee on Judiciary.

## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 856

Assembly Bill No. 168

Assembly Bill No. 915

Assembly Bill No. 1389

Assembly Bill No. 1770

Assembly Bill No. 2175

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1160

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:  
Assembly Bill No. 988

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:  
Assembly Bill No. 1317

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 57

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 479

Senate Joint Resolution No. 18

Senate Joint Resolution No. 28

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 811

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Powers:

## Senate Resolution No. 117

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week beginning May 28, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Gail Gordon, page-----	Per day
	\$3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered :

**Senate Concurrent Resolution No. 60:** By Senator Slater—Relative to the 100th anniversary of the raising of the Bear Flag, and requesting the Governor to proclaim June 14, 1946, as a legal State holiday in commemoration thereof.

**Request for Unanimous Consent**

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 60, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 60**

**Senate Concurrent Resolution No. 60**—Relative to the 100th anniversary of the raising of the Bear Flag, and requesting the Governor to proclaim June 14, 1946, as a legal State holiday in commemoration thereof.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)**

The following resolution was offered :

**Senate Constitutional Amendment No. 19:** By Senator Salsman—Proposed amendment to Article IX of the Constitution relative to education.

Referred to Committee on Education.

**MOTION TO PRINT REPORT OF CONFERENCE COMMITTEE**

Senator DeLap moved that the report of the Conference Committee relative to Assembly Bill No. 244, be printed in the Journal, and that further consideration be continued to the next legislative day.

Motion carried.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1945

**MR. PRESIDENT:** The Committee on Conference concerning :

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following :

That amendments of the Senate be concurred in and that the bill, as amended on May 21, 1945, be further amended as follows:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "13.16," insert "and has made distributions on approved claims of certificate holders and creditors as provided in Section 13.16 of this act in a total amount of sixty-six and  $\frac{2}{3}$  per cent (66 $\frac{2}{3}$ %) of such approved claims."

**Amendment No. 1a**

On page 1, line 12, of said bill, after "business", insert "for the purposes of the operation and liquidation of such assets".

**Amendment No. 2**

On page 1 of said bill, strike out lines 15 to 18, inclusive, and insert "its liabilities."

**Amendment No. 3**

On page 1 of said bill, strike out line 24; and on page 2 strike out lines 1 to 4, inclusive, and insert "and that the association desires to resume its business for the purposes of operation and liquidation of such assets, the court shall make a finding to that effect and direct".

**Amendment No. 4**

On page 2, line 7, of said bill, after "business", insert "for the purposes of the operation and liquidation of the assets to be returned".

**Amendment No. 5**

On page 2, line 12, of said bill, strike out "may", and insert "shall".

**Amendment No. 6**

On page 2, line 15, of said bill, after "business", insert "for the purposes of the operation and liquidation of the assets to be returned".

**Amendment No. 7**

On page 2 of said bill, strike out lines 21 and 22, and insert "Whenever such an association can comply with all the provisions of this act, including the provisions relating to investment certificate reserve as required by Section 5.03 of this act, it may, with the approval of the commissioner, resume any and all operations and businesses of a building and loan association as such association is defined in this act."

COLLIER  
POWERS  
PARKMAN

Senate Committee on Conference

MALONEY  
KRAFT  
SHERIDAN

Assembly Committee on Conference

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 7, 1945, be concurred in.

WARD  
DILLINGER  
CARTER

Senate Committee on Conference

WERDEL  
STEWART

Assembly Committee on Conference

I do not concur.

BURKHALTER  
Assembly Member of Conference Committee

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.  
**NOES**—None.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day refused adoption of the second report of the Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately;

And appointed Messrs. Collins, Sam L., Evans, and Waters a Third Conference Committee.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Swing, Hatfield, and Keating as a Third Senate Committee on Conference concerning Assembly Bill No. 272 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Bill read second time.

##### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

##### Amendment No. 1

On page 2, line 3, of the printed bill, as amended, after "lease", insert "heretofore".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 674**—An act to add Section 8961.3 to the Health and Safety Code, relating to cemetery districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1295**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to drugs and poisons, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 848**—An act to amend Section 1985 of the Code of Civil Procedure, relating to subpoenas.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1275**—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of county high school districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 54**—An act to repeal Section 100b of, and to add a new Section 100b to, the State Employees' Retirement Act, and to add Section 21367.5 to the Government Code, relating to the State Employees' Retirement System, and providing for benefits payable upon death of retired members.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2; and in line 3 strike out "21367.5", and insert "An act to add Section 20464".

##### Amendment No. 2

In the title of said bill, lines 4 and 5, strike out "benefits payable upon death of retired members", and insert "the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote".

##### Amendment No. 3

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 20464 is added to the Government Code, to read:

20464. Notwithstanding any other provision of the State Employees' Retirement Law, the board of directors of a metropolitan water district, or the governing body of any other public agency, shall adopt any order, motion, resolution or ordinance, required under the provisions of the State Employees' Retirement Law to be adopted by a majority vote or by a two-thirds vote or by any other specified vote, by such affirmative vote as constitutes under the provisions of the metropolitan water district act, or the statute creating or authorizing the organization of such other public agency, a majority vote or a two-thirds vote or such other specified vote, as the case may be, of such board or body.

Any order, motion, resolution or ordinance heretofore so adopted by a metropolitan water district or by such other public agency, and any contract heretofore entered into between the board of directors of a metropolitan water district, or the governing body of such other public agency and the board of administration, and which contract was approved by resolution or ordinance adopted by what constituted an affirmative two-thirds vote under the metropolitan water district act, or under the provisions of the statute creating or authorizing the organization of such other public agency, are hereby ratified, confirmed, validated, and approved."

##### Amendment No. 4

On page 1 of said bill, strike out lines 2 to 25, inclusive; and on page 2, strike out lines 1 to 15, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 860**—An act relating to the use of State automobiles and prescribing the reports required as to such use.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

Following the enacting clause, insert a new section as follows

"SECTION 1. The State Board of Control shall establish rules and regulations for the use and operation of State owned automobiles, and all privately owned automobiles while being operated at State expense. The purpose of such rules and regulations shall be to prevent State owned automobiles and privately owned automobiles being operated at State expense from being used for any other purpose than necessary State business."

**Amendment No. 2**

On page 1, line 1, of the printed bill, after "Section", strike out "1", and insert "2"; in line 7 of the printed bill, after "Sec.", strike out "2", and insert "3"; in line 19 of the printed bill, after "Sec.", strike out "3", and insert "4"; in line 24 of the printed bill, after "Sec.", strike out "4", and insert "5".

**Amendment No. 3**

On page 1, line 3, of the printed bill, strike out "and every State employee who"; and strike out line 4.

**Amendment No. 4**

On page 1, line 7, of the printed bill, strike out "show the proper"; and lines 8 to 18, inclusive, and insert "be on such forms as required by the Board of Control."

**Amendment No. 5**

On page 1, line 24, of the printed bill, strike out "satisfy" and lines 25 to 30, inclusive, and insert "audit claims for the expenses of operating automobiles in conformity with the rules of the Board of Control as herein provided and if any use of a State owned or privately owned automobile being used on State business does not conform with the rules established by the Board of Control, the Controller is hereby required to secure reimbursement to the State for the actual cost of operating the said automobile in violation of such rules by billing the operator for such costs. If reimbursement is not paid within 30 days, the Controller shall request the Attorney General to bring suit for recovery."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 599**—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "100.6", and insert "100.7".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "agreements with adjoining"; and strike out line 4 of the title, and insert "bridges acquired under the California Toll Bridge Authority Act, declaring the urgency thereof, to take effect immediately."

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "100.6", and insert "100.7".

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 13, inclusive, and insert "100.7. The Department may, for the protection of the State of California, insure any bridge on the State Highway System acquired or constructed under provisions of the California Toll Bridge Authority Act against all risks in any amount up to the full insurable value thereof. In case of damage or destruction, the proceeds of such insurance shall be applied to the restoration of such bridge. Any such bridge may be so insured irrespective of the retirement of all indebtedness incurred for its acquisition or construction, and the cost of such insurance

shall be paid from any funds available to the department for highway purposes.

Any such bridge shall, after retirement of all indebtedness incurred for its acquisition or construction, be maintained and operated as a free bridge and the cost thereof charged to funds available for maintenance of State highways. Nothing in this section contained shall repeal or impair the provisions of Chapter 24 of the Statutes of 1933, providing for the continued collection of tolls on the San Francisco-Oakland Bay Bridge until moneys advanced by the State are reimbursed, and said Chapter 24 is continued in full force and effect.

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It is anticipated that sufficient funds will be accumulated for the retirement of all indebtedness against the Carquinez and Antioch Bridges prior to the date on which this act otherwise would become effective, and there is no provision of law authorizing carrying of insurance on said bridges after the retirement of such indebtedness. Damage or destruction of said bridges, or either of them, would require expenditure of large sums of money and would place an unreasonable burden upon highway funds of this State. It is necessary that funds be available for the immediate repair or reconstruction of such bridges in order to preserve the public peace, health and safety and the facilities for public travel and transportation which said bridges now afford.

This act is necessary in order that such funds be immediately available for the financing of such repair or restoration of said bridges. It is, therefore, essential that this act go into immediate effect, and the legislature so determines that it shall become effective immediately.

It is also necessary that immediate provision be made for the maintenance and operation of said bridges as free bridges in order to avoid any necessity for continued collection of tolls thereon for purposes of maintenance or operation by reason of the provisions of Section 6 of Chapter 927 of the Statutes of 1937. It is therefore necessary that this act go into immediate effect in order to permit the maintenance and operation of each of said bridges as a toll-free bridge as well as the insurance of the same."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 991**—An act to add Chapter 7 to Title 10 of Part 2 of the Code of Civil Procedure, relating to civil proceedings for franchises and permits.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

Strike out the title of the printed bill, as amended, and insert

"An act to amend Section 470 of the Civil Code, relating to railroad franchises and permits."

#### Amendment No. 2

On page 1 of said bill, strike out lines 2 to 21, inclusive; and strike out all of page 2, and insert

SECTION 1. Section 470 of the Civil Code is amended to read:

470. No railroad corporation may use any street, alley, or highway, [on] or any of the land, whether covered by water or otherwise, owned by the municipality within any incorporated city or town, unless the right to so use the same is granted by a two-thirds vote of the town or city authority from which the right must emanate, provided, however, that if any railroad corporation operating within an incorporated city or town shall apply to the governing body of such a city or town for a franchise or permit to cross any such street, alley, or highway, with main, branch, side, switching, or spur trackage, then the governing body of such city or town, within a reasonable time, shall hold a public hearing upon such application after reasonable notice to the applicant and to the public and shall thereafter grant the franchise or permit applied for upon reasonable terms and conditions unless such governing body shall



*reasonably find that the grant of such franchise or permit would be detrimental to the public interest of such city or town. Nothing in this section shall impose any duty upon, or limit the authority of, any city organized and existing pursuant to a freeholder's charter, or any officer thereof."*

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, creating the Clarke-McNary Fund, and making an appropriation, to take effect July 1, 1945.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 597**—An act to add Chapter 6 to Division 9 of the Public Resources Code, relating to consolidation of soil conservation districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1239**—An act creating the Mount San Jacinto Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources and the State Park Commission in connection therewith, and authorizing the Department of Natural Resources and the State Park Commission to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1994**—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, and providing for the forfeiture of such lands for failure to make such payments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1996**—An act to amend Section 6504 of the Public Resources Code, relating to State lands.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2075**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1047**—An act to amend Sections 9000, 9030, 9031, 9034, 9126, 9130, 9136, 9201, 9221, and 9354 of, and to add Section 9264.5 to, the Public Resources Code, relating to soil conservation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 17, of the printed bill, as amended, strike out "maintaining the present water level table of".

**Amendment No. 2**

On page 2, line 1, of said bill, strike out "waters underlying land within the district", and insert "supplying water for district lands".

**Amendment No. 3**

On page 2, line 16, of said bill, strike out "seven", and insert "five".

**Amendment No. 4**

On page 2, line 18, after "California", strike out the comma and insert "and the Director of Agriculture Extension of the University of California".

**Amendment No. 5**

On page 2, line 18, of said bill, strike out "both".

**Amendment No. 6**

On page 2, line 18, of said bill, strike out "five", and insert "two".

**Amendment No. 7**

On page 2 of said bill, strike out lines 24 to 28, inclusive, and insert "The other two members to be".

**Amendment No. 8**

On page 2, line 34, of said bill, strike out "Four", and insert "Three".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 467**—An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 810**—An act to amend Section 14655 of the Health and Safety Code, relating to fire protection districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 811**—An act to amend Section 14656 of the Health and Safety Code, relating to fire protection districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 812**—An act to amend Section 14657 of the Health and Safety Code, relating to fire protection districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 813**—An act to amend Section 14658 of the Health and Safety Code, relating to fire protection districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2044**—An act to amend Sections 13001 and 13004 of the Health and Safety Code, relating to starting fires.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 408**—An act to amend Section 4300b of the Political Code, relating to fees for official services.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out "one dollar (\$1.00)", and insert "one dollar and fifty cents (\$1.50)".

**Amendment No. 2**

On page 2, lines 28 and 29, of the printed bill, strike out "twenty-five cents (\$0.25)", and insert "one dollar (\$1.00)".

**Amendment No. 3**

On page 2, line 30, of the printed bill, after "summons", insert "affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, or order for the delivery of personal property."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 929**—An act to amend Sections 364, 365, and 402 of the Civil Code, relating to shareholders liability for unauthorized dividends and distributions in liquidation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1431**—An act to add Section 7a to "An act to control and regulate the possession, sale and use of pistols, revolvers, and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject, approved June 13, 1923," relating to firearms.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 673**—An act to add Section 170.1 to the Code of Civil Procedure, relative to the degree of affinity between husband and wife.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 227**—An act to amend Section 203 of the Probate Code, relating to succession.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2120**—An act to amend Section 688.1 of the Political Code, relating to claims for the taking of property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2 of the printed bill, after line 12, insert

"Notwithstanding any other provisions of this section, the period of limitation for filing any claim for damages, whether continuous or not, alleged to result from the construction, improvement or maintenance of any highway, including bridges, culverts and other highway structures and appurtenances, is two years from the time the claim first arose."

**Amendment No. 2**

In line 1 of the title of the printed bill, strike out "amend Section 688.1 of the Political", and insert "add Section 16055 to the Government".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 27, inclusive; and on page 2 strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Section 16055 is added to the Government Code, to read:

16055. The periods of limitation specified in this article or in Section 16021 of this code or any periods of limitation applicable to any claim filed pursuant to this part shall not apply to any claims or affect the rights or interests of any claimant wherein the taking or damaging of private property has been continuous for each successive calendar year and the period of limitation prescribed herein and in particular shall not commence to run until such taking or damaging of said real property shall cease to be continuous for an entire calendar year.

This provision shall be effective as to all claims on which the period of limitation had not expired on September 13, 1941."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency:

**Assembly Bill No. 1607**—An act authorizing and empowering the Director of Finance to purchase or acquire surplus war property from the Federal Government or its agencies, and creating the Surplus War Property Procurement Advisory Board.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1774**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2116**—An act to amend Section 1.5 of the Judges' Retirement Act, relating to the judges' retirement system, and providing for the inclusion of time served as a justice of the peace in computing service for the purpose of retirement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2095**—An act to add Sections 585.1 and 592 to the Vehicle Code, relating to the stopping or standing of utility vehicles and the removal of vehicles which constitute obstructions to traffic from a highway.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, strike out "585.1 and 592", and insert "585.2 and 592.1".

**Amendment No. 2**

On page 3, line 1, of said bill, strike out "585.1", and insert "585.2".

**Amendment No. 3**

On page 3, line 3, of said bill, strike out "585.1", and insert "585.2".

**Amendment No. 4**

On page 3, line 8, of said bill, strike out "592", and insert "592.1".

**Amendment No. 5**

On page 3, line 10, of said bill, strike out "592", and insert "592.1".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 802**—An act relating to aviation; defining terms, providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, Governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of Federal aid; authorizing joint action by municipalities and by municipalities and the State; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the State, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 808**—An act to add Section 2.5 to the California Airport District Act, relating to the formation of districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 936**—An act to add Section 32a to the State Employees' Retirement Act, and Section 20336 to the Government Code, relating to a retirement system for public officers and employees, providing for the exclusion of aliens employed under authorization of Section 1944.1 of the Labor Code.

Bill read second time, and ordered to third reading.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2 p.m. having arrived, Assembly Bill No. 500 was taken up.

**MOTION FOR COMMITTEE OF THE WHOLE**

Senator Rich moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 500.

Motion carried.



### In Committee of the Whole

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

On motion of Senator Rich, the committee did arise and report back to the Senate.

### In Senate

Hon. John F. Shelley, Senator of the Fourteenth District, presiding.  
Chief Assistant Secretary Cleve V. Taylor at the desk.

#### FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 500

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Seawell moved the adoption of the following amendments:

##### Amendment No. 1

On page 42, line 42, of said bill, as amended, strike out "16,340,073.00", and insert "14,682,927.00".

##### Amendment No. 2

On page 43, line 3, of said bill, as amended, after "leave", insert "or by duration appointment".

##### Amendment No. 3

On page 43, line 5, of said bill, as amended, after "Administration", insert "and Division of Registration"; and strike out lines 6 to 39, inclusive, and insert

(a) Salaries and Wages	\$4,725,245.00
(b) Operating Expenses	1,599,060.00
(c) Equipment	30,756.00

##### Division of Enforcement

(a) Salaries and Wages	6,219,363.00
(b) Operating Expenses	1,107,536.00
(c) Equipment	192,690.00

##### Division of Drivers' Licenses

(a) Salaries and Wages	1,660,568.00
(b) Operating Expenses	229,010.00
(c) Equipment	37,145.00

##### Land and Buildings

(b) Operating Expenses	169,626.00
(c) Equipment	28,800.00

##### Pedestrian Crossing Guards

(a) Salaries and Wages	112,000.00
Total of schedule	\$16,111,799.00

Less: Estimated abatements for pedestrian crossing guards

112,000.00

Estimated transfer from Motor Vehicle

License Fee Fund (Item 188)

1,316,872.00

Net appropriation \$14,682,927.00".

##### Amendment No. 4

On page 44, line 11, of said bill, as amended, strike out "674", and insert "624"; and in line 21, strike out "674", and insert "624".

Amendments read.

**Roll Call Demanded**

Senators Seawell, Collier, and McBride demanded a roll call.

The roll was called, and the amendments adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Cunningham, Deuel, Donnelly, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—22.

**NOES**—Senators Biggar, Carter, DeLap, Dillinger, Dilworth, Fletcher, Jespersen, Mixer, Quinn, Rich, Swing, and Tenney—12.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Collier moved the adoption of the following amendment:

**Amendment No. 1**

On page 44, line 25, of the printed bill, as amended, strike out "as a loan from the State"; and strike out lines 26 and 27 and, in line 28, strike out "Support Fund", and insert "to the Motor Vehicle Support Fund as a loan from the Motor Vehicle License Fee Fund to be credited against the share disbursed to the General Fund under the provisions of Subdivision (a) of Section 11005 of the Revenue and Tax Code".

Amendment read, and refused adoption.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 39, line 32, of the printed bill, as amended, strike out "426,637.00", and insert "444,867.00".

**Amendment No. 2**

On page 39, line 34, of said bill, as amended, strike out "285,655.00", and insert "302,035.00".

**Amendment No. 3**

On page 39, line 36, of said bill, as amended, strike out "121,192.00", and insert "123,042.00".

**Amendment No. 4**

On page 39, line 39, of said bill, as amended, strike out "426,637.00", and insert "444,867.00".

Amendments read, and adopted.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Keating moved the adoption of the following amendment:

**Amendment No. 1**

On page 42 of the printed bill, as amended, strike out lines 48 and 49, and insert "tions of traf-".

Amendment read and adopted.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 48, line 40, of the printed bill, as amended, strike out "5,631,297.00", and insert "6,100,847.00".

**Amendment No. 2**

On page 48, line 47, of said bill, as amended, strike out "5,068,816.00", and insert "5,394,366.00".

**Amendment No. 3**

On page 48, line 48, of said bill, as amended, strike out "1,461,330.00", and insert "1,523,330.00".

**Amendment No. 4**

On page 48, line 49, of said bill, as amended, strike out "481,787.00", and insert "563,787.00".

**Amendment No. 5**

On page 48, line 51, of said bill, as amended, strike out "7,011,933.00", and insert "7,481,483.00".

**Amendment No. 6**

On page 49, line 15, of said bill, as amended, strike out "5,631,297.00", and insert "6,100,847.00".

**Amendment No. 7**

On page 49, line 18, of said bill, as amended, strike out "795,180.00", and insert "744,730.00".

**Amendment No. 8**

On page 50, line 44, of said bill, as amended, strike out "750,000.00", and insert "250,000.00".

Amendments read and adopted.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Biggar moved the adoption of the following amendments:

**Amendment No. 1**

On page 6, line 26, of the printed bill, as amended, strike out "3,118,133.00", and insert "3,384,833.00".

**Amendment No. 2**

On page 6, line 33, of said bill, as amended, strike out "2,566,735.00", and insert "2,724,635.00".

**Amendment No. 3**

On page 6, line 34, of said bill, as amended, strike out "619,713.00", and insert "715,013.00".

**Amendment No. 4**

On page 6, line 35, of said bill, as amended, strike out "77,404.00", and insert "90,904.00".

**Amendment No. 5**

On page 6, line 37, of said bill, as amended, strike out "3,263,852.00", and insert "3,520,552.00".

**Amendment No. 6**

On page 6, line 44, of said bill, as amended, strike out "3,118,113.00", and insert "3,384,833.00".

Amendments read, and refused adoption.

**President of the Senate Presiding**

At 5.46 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Quinn moved the adoption of the following amendments:

**Amendment No. 1**

On page 42, line 16, of the printed bill, as amended, strike out "150,000.00", and insert "300,000.00".

**Amendment No. 2**

On page 42, line 19, of said bill, strike out "141,930.00", and insert "291,930.00".

**Amendment No. 3**

On page 42, line 21, of said bill, strike out "150,000.00", and insert "300,000.00".

Amendments read.

**Previous Question**

Senator Seawell moved the previous question.

Motion carried.

The question being on the adoption of the amendments presented by Senator Quinn.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Breed, Carter, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—23.

NOES—Senators Biggar, DeLap, Deuel, Dillinger, McCormack, and Rich—6.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

On page 42, line 28, of the printed bill, as amended, strike "31,090.00", and insert "61,090.00".

**Amendment No. 2**

On page 42, line 25, of said bill, strike out "141,260.00", and insert "171,260.00".

**Amendment No. 3**

On page 42, line 34, of said bill, strike out "141,260.00", and insert "171,260.00".

Amendments read and adopted.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 68, line 9, of the printed bill, as amended, strike out "including", and insert "California School for the Deaf, California School for the Blind, and".

Amendment read and adopted.

**Further Amendments to Assembly Bill No. 500****Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

On page 47, line 40, of the printed bill, as amended, strike out "and", and insert "or".

**Amendment No. 2**

On page 48, line 26, of said bill, strike out "Commissioner", and insert "Commission".

Amendments read and adopted.



## Further Amendments to Assembly Bill No. 500

## Motion to Amend

Senator Kuchel moved the adoption of the following amendment:

## Amendment No. 1

On page 55, of the printed bill, following line 22 insert

"Item 225—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule.----- 10,939.00

## Schedule:

(a) Salaries and Wages -----	\$5,563.00
(b) Operating Expenses -----	5,336.00
(c) Equipment -----	40.00

Total of schedule ----- \$10,939.00".

Amendment read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO RESET SPECIAL ORDER

Senator Rich moved that Assembly Bill No. 500 be made a special order of business for Thursday, May 31, 1945, at 2 p.m.

Motion carried.

Secretary J. A. Beek at the Desk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 557

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 674

Senate Bill No. 848

Senate Bill No. 1275

Senate Bill No. 1295

Senate Joint Resolution No. 26

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1288

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:  
Senate Bill No. 1289  
Senate Bill No. 1301  
Assembly Bill No. 1027

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:  
Assembly Bill No. 1315

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

McBRIDE, Chairman

Above reported bill ordered to second reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Brown, and Jespersen as a Senate Committee on Conference concerning Assembly Bill No. 191 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Constitutional Amendment No. 20:** By Senators Salsman, Fletcher, Shelley, and Dillinger—Proposed amendment to Article XX of the Constitution by adding Section 23, relating to health and hospital insurance.

Referred to Committee on Governmental Efficiency.

**ADJOURNMENT**

At 6.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 31, 1945.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

EIGHTY-THIRD LEGISLATIVE DAY

ONE HUNDRED FORTY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 31, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenny, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Raymond V. Darby, member of Los Angeles County Board of Supervisors, and Captain and Mrs. Raymond V. Darby, U. S. Army Air Corps, of Inglewood.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Maloney, Kraft, and Sheridan as a Committee on Conference concerning:

Assembly Bill No. 244—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1080**—An act to amend Section 7 of, and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1945, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 599

Senate Bill No. 991

Senate Bill No. 1280

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1082

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 300

Assembly Bill No. 1280

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 615

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 1126

Assembly Bill No. 1178

Assembly Bill No. 1415

Has had the same under consideration, and reports the same back with the recommendation: Do pass

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bills ordered to second reading.



SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1092

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 2106

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2209

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Joint Resolution No. 41

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 403

Assembly Bill No. 406

Assembly Bill No. 2133

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1524

Assembly Bill No. 1114

Assembly Bill No. 487

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1169

Assembly Bill No. 972

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 948

Assembly Bill No. 1388

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 254

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

## Committee on Business and Professions

## SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 634

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolution was offered by Senator Dorsey:

## Senate Resolution No. 118

WHEREAS, Marine Private First Class Rene A. Gagnon and Navy Pharmacist's Mate Second Class John H. Bradley, two of the three surviving heroes of the six-man group that raised our Flag on the top of Mount Suribachi on Iwo Jima, are coming to the Pacific Coast and will be in San Francisco on Monday, June 11, 1945, to take part in the Seventh War Loan Drive; and

WHEREAS, It is fitting and proper that the Members of this Senate join with the people of this country in honoring the courage and valor of these men, desiring the opportunity to express to them personally the gratitude of this Nation and this State; now, therefore, be it

Resolved, That the Senate extend to Marine Private First Class Rene A. Gagnon and Navy Pharmacist's Mate Second Class John H. Bradley an invitation to visit this State Senate while in session on a date agreeable to them during their visit to the Pacific Coast, and that the Secretary of the Senate immediately convey such invitation.

Resolution read, and on motion of Senator Dorsey, adopted.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 61:** By Senator Hatfield—Relative to commending Lieutenant (j.g.) Perry S. Wood of the United States Naval Reserve.

Without reference to committee.

CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

**Senate Bill No. 449**—An act to amend Sections 629, 630 and 631, of the Fish and Game Code, relating to the closing of lakes or streams to fishing.

Bill read second time.

## Motion to Amend

Senator Gordon moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, after "amend", insert "and renumber".

## Amendment No. 2

On page 1, line 2, of said bill, after "amended", insert "and renumbered".

## Amendment No. 3

On page 1, line 11, of said bill, after "amended", insert "and renumbered".

## Amendment No. 4

On page 1, line 15, of said bill, after "amended", insert "and renumbered".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1290**—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 450**—An act to add Section 39.2 to the Fish and Game Code, relating to granting of powers to the commission to reduce the bag and possession limits on game fish, birds, or mammals.

Bill read second time.

## Motion to Amend

Senator Gordon moved the adoption of the following amendment:

## Amendment No. 1

On page 1 of the printed bill, after line 12, insert "Any order issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof, and such order shall be published twice in at least one newspaper of general circulation in any county affected by such order. Such publications shall be separated by a period of not less than one week and not more than two weeks. Such orders shall be posted in such public places in each county as the director may direct."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 928**—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "Postwar Employment Reserve", and insert "State Treasury".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 1233**—An act to amend Section 1 of Chapter 921 of the Statutes of 1943, relating to licensing, visitation and supervision of schools teaching, or taught in, foreign languages, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 1", and insert "Sections 1 and 3".

**Amendment No. 2**

On page 1 of said bill, between lines 10 and 11, insert

"SEC. 2. Section 3 of said act is amended to read:

SEC. 3. Exemptions. Licenses shall not be required of and the provisions of this act shall not be construed to apply to any public school, college or university of this State, or any institution of collegiate rank or grade in existence on January 1, 1943, nor shall such license be required of schools now or hereafter established and maintained by a religious denomination or sect well established as such, other than in a war relocation center, nor to any business or commercial school or college well established as such and in existence on January 1, 1943, in which courses in the teaching of foreign languages are incidental courses in the general business or commercial school or college curriculum."

**Amendment No. 3**

On page 1, line 11, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 154**—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, before the period insert ", and making an appropriation therefor".



**Amendment No. 2**

On page 1 of said bill, after line 13, insert  
"SEC. 2. Out of any moneys in the State Treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Agriculture to be expended by it in carrying out the provisions of this act."

Amendments read and adopted.

Bill ordered printed, and to the inactive file.

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance :

**Amendment No. 1**

On page 15 of the printed bill, as amended, strike out lines 7 to 35, inclusive, and insert

"All moneys heretofore or hereafter received by the director under the provisions of this chapter shall be accounted for and reported monthly to the Controller, and at the same time such moneys shall be deposited in the State Dairy Products Trust Fund in the State Treasury, which fund is hereby created. The director shall maintain a record of the receipts and disbursements of all moneys collected and disbursed by him under this chapter, showing the source of moneys received and the purposes for which it was disbursed.

All money in the State Dairy Products Trust Fund is hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropriation herein made shall be exempted from the operation of Section 435 of the Political Code. The moneys in the State Dairy Products Trust Fund shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse the moneys in said fund in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

The director may, with the approval of the Department of Finance and without at the time furnishing vouchers or itemized statements, withdraw from the State Dairy Products Trust Fund such amount as the director may require, to be used as a cash revolving fund to be disbursed by the director to carry out the purposes of this chapter. Such revolving fund shall be deposited in such bank or banks under such conditions as the director determines, with the approval of the Department of Finance. The Controller shall draw his warrants in favor of the director for the amounts so withdrawn, and the Treasurer shall pay such warrants. Any sums withdrawn under the provisions of this section without at the time furnishing vouchers or itemized statements therefor must, at least once a year, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Reimbursement of the revolving fund for disbursements therefrom shall be made upon the presentation to and audit by the Controller of vouchers covering expenditures, in such form as the Controller may require.

All disbursements from the State Dairy Products Trust Fund shall be made in conformity with appropriate rules and regulations prescribed by the director and approved by the Board of Control.

The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures hereunder."

Amendment read and adopted.

Bill ordered printed, and to the inactive file.

**Senate Bill No. 804**—An act to amend Section 29 of the Corporation Income Tax Act, relating to the confidential nature of tax returns.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 809**—An act to amend Sections 19282, 19284, 19286, 19287 and 19288 of the Revenue and Taxation Code, relating to the confidential nature of tax returns.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 856**—An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1288**—An act to amend Sections 1269a and 1295 of the Penal Code, relating to bail and deposits instead of bail.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 1269a and", and insert "Section".

##### Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 27, inclusive.

##### Amendment No. 3

On page 2, line 1, of said bill, strike out "2.", after "Sec.", and insert "1."

##### Amendment No. 4

On page 2, line 4, of said bill, strike out "judge or".

##### Amendment No. 5

On page 2, line 5, of the printed bill, strike out "or with the officer in whose custody defendant".

##### Amendment No. 6

On page 2 of said bill, strike out line 6, and insert "the sum mentioned in the order, and upon".

##### Amendment No. 7

On page 2 of said bill, strike out lines 7 and 8.

##### Amendment No. 8

On page 2, line 9, of said bill, strike out "and" before "delivering".

##### Amendment No. 9

On page 2 of said bill, strike out lines 11 to 14, inclusive, and insert "custody.

Whenever the defendant has been arrested and booked and the amount of bail endorsed on the warrant or fixed by order of the court does not exceed two hundred fifty dollars (\$250), the defendant, or any other person, may deposit with the officer in charge of the jail wherein the defendant is detained, cash in the amount of the bail endorsed on such warrant or fixed by the order of the court. Upon such deposit being made the defendant must be discharged from custody. The money so deposited shall be transmitted to the judge or clerk of the court by which the warrant was issued not later than the next business day."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1289**—An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1301**—An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks secured by agricultural lands.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 644**—An act to add Section 929.5 to the Fish and Game Code, relating to districts and nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 703**—An act to amend Sections 326, 328, and 329, and to add Sections 327, 330, and 331 to the Fish and Game Code, relating to public shooting grounds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1912**—An act to amend Section 4085½ of the Political Code, relating to the declaration of nonnavigable sloughs, rivers or streams to be public highway for fishing.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

##### Amendment No. 1

Strike out lines 2 and 3 of the title of the printed bill, and insert "to public highways for fishing and hunting."

##### Amendment No. 2

On page 2, line 7, of said bill, strike out the quotation mark.

##### Amendment No. 3

On page 2, line 8, of said bill, after "State", insert ", upon recommendation of the Fish and Game Commission,".

##### Amendment No. 4

On page 2, line 9, of said bill, strike out "Reservation Fund." and insert "Preservation Fund."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 168**—An act to amend Section 13801 of the Revenue and Taxation Code, relating to inheritance tax exemption.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1389**—An act to amend Sections 3659, 3659.5, 3659.3, and 3902 of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property and the distribution of the proceeds therefrom.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1770**—An act to amend Sections 501 and 503 of, to add Sections 504 and 505 to, and to add Article 5, comprising Sections 891 and 892, to Chapter 4 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to the penal assessment of property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2175**—An act to add Section 6382.1 to the Revenue and Taxation Code, relating to exemptions under the Sales and Use Tax Law.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1160**—An act to amend Sections 4218 and 4220 of the Political Code and Section 327 of the Revenue and Taxation Code, relating to investigations, surveys, and maps.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 2, line 15, of the printed bill, as amended, after "State," insert "excluding tax deeded lands but".

##### Amendment No. 2

On page 2 of said bill, lines 18 and 19, strike out "a copy of the field notes and".

##### Amendment No. 3

On page 2, line 22, of said bill, after the period insert "The State Lands Commission may require the surveyor to submit also a copy of the field notes, or a portion thereof, in which case the commission shall pay the surveyor the cost of copying such notes."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 988**—An act to amend Sections 2507 and 2508 of the Revenue and Taxation Code, relating to the handling of negotiable paper received in payment of taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1317**—An act to amend Sections 12263, 12403, 12405, 12433 and 12997 of the Revenue and Taxation Code, and to repeal Section 12404 thereof, all relating to insurance taxation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1027**—An act to amend Sections 30c, 30h and 30j of the Bank Act, relating to the disposal of unclaimed contents of safe-deposit boxes and unclaimed items of personal property left with banks for safe keeping.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1315**—An act to add Sections 1070.5, 1071.5 and 1075 to the Insurance Code, and to amend Section 1072 of said code, relating to withdrawal of insurers.

Bill read second time, and ordered to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 855**—An act to amend Section 18023 of the Government Code, relating to office and working hours and the payment of overtime compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 870**—An act to add Part 5 (comprising Sections 13960 to 13966, inclusive) to Division 3 of Title 2 of the Government Code, and to repeal Sections 13293, 13294, 13295 and 13296 of said code, creating the office of Auditor General, prescribing his powers and duties, and providing for the auditing and management of the fiscal and business affairs of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

### CONSIDERATION OF SPECIAL ORDER

The hour of 2 p.m. having arrived, Assembly Bill No. 500 was taken up.

**Assembly Bill No. 500**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1102**—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1101**—An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act, relating to definitions contained therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

## Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 101**—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 820**—An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code, to amend the heading of Article 3 of Chapter 13 of Division 2 of said code and to amend Sections 6771, 9176, 11382, 16005, and 16482 of said code, to renumber Section 20941 of said code, and to add Section 20655 to said code, all relating to the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 61**—An act to amend Section 1012 of the Education Code, relating to contracts made by governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 792**—An act to amend Section 185 of the Education Code, relating to traveling expenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1214**—An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1299**—An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 145**—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding Section 14.8, relating to judgments against district directors, officers, agents and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 18**—Relative to the construction of the Central Valley Project.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Tenney—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Previous Question

Senator Salsman moved the previous question.

The question being on the adoption of the urgency clause.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 3.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.14 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 479 adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.

NOES—Senators Dilworth, Dorsey, Jespersen, Judah, Keating, and Powers—8.



The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swing, Tenney, and Ward—23.

NOES—Senators Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Dorsey, Hatfield, Judah, McBride, Mixter, Quinn, and Slater—13.

#### Motion to Reconsider

Senator DeLap moved to reconsider the vote whereby Senate Bill No. 479 was refused passage.

#### Postponement of Reconsideration

On motion of Senator DeLap, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 479 was refused passage, and urgency clause was adopted, was continued until the next legislative day.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Joint Resolution No. 28**—Relative to memorializing Congress to enact H. R. 2536, Seventy-ninth Congress, First Session, relating to the regulation of transportation companies.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—32.

NOES—Senator Donnelly—1.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 57**—Relative to the providing of human blood and its derivatives to the people of this State.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 23, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 244**—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:  
That amendments of the Senate be concurred in and that the bill, as amended on May 21, 1945, be further amended as follows:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "13.16," insert "and has made distributions on approved claims of certificate holders and creditors as provided in Section 13.16 of this act in a total amount of sixty-six and  $\frac{2}{3}$  per cent (66 $\frac{2}{3}$ %) of such approved claims,".

**Amendment No. 1a**

On page 1, line 12, of said bill, after "business", insert "for the purposes of the operation and liquidation of such assets".

**Amendment No. 2**

On page 1 of said bill, strike out lines 15 to 18, inclusive, and insert "its liabilities."

**Amendment No. 3**

On page 1 of said bill, strike out line 24; and on page 2 strike out lines 1 to 4, inclusive, and insert "and that the association desires to resume its business for the purposes of operation and liquidation of such assets, the court shall make a finding to that effect and direct".

**Amendment No. 4**

On page 2, line 7, of said bill, after "business", insert "for the purposes of the operation and liquidation of the assets to be returned".

**Amendment No. 5**

On page 2, line 12, of said bill, strike out "may", and insert "shall".

**Amendment No. 6**

On page 2, line 15, of said bill, after "business", insert "for the purposes of the operation and liquidation of the assets to be returned,".

**Amendment No. 7**

On page 2 of said bill, strike out lines 21 and 22, and insert "Whenever such an association can comply with all the provisions of this act, including the provisions relating to investment certificate reserve as required by Section 5.03 of this act, it may, with the approval of the commissioner, resume any and all operations and businesses of a building and loan association as such association is defined in this act."

COLLIER  
POWERS  
PARKMAN

MALONEY  
KRAFT  
SHERIDAN

Senate Committee on Conference

Assembly Committee on Conference

**Previous Question**

Senator Salsman moved the previous question.  
Motion carried.

The question being on the adoption of the Conference Committee Report.

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Deuel, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, and Ward—25.

**NOES**—Senators Biggar, Carter, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Jaspersen, McCormack, Mixer, Rich, Salsman, and Shelley—13.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kutchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 674**—An act to add Section 8961.3 to the Health and Safety Code, relating to cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1295**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to drugs and poisons, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 303**—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs.

#### Motion to Re-refer Senate Bill No. 303

Senator Swing moved that Senate Bill No. 303 be re-referred to Committee on Finance.

Motion carried.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 7, 1945, be further amended as follows:

**Amendment No. 1**

In lines 4 and 5 of the title of the printed bill, as amended, strike out "19201, 19202, 19203, 19204, and 19205", and insert "and 19203".

**Amendment No. 2**

In line 6 of the title of said bill, strike out "and 18304.1", and insert "18304.1, 19201.5, 19202.5, 19204.5, and 19205.5".

**Amendment No. 2.5**

On page 4, line 16, of the printed bill, as amended, strike out "1942", and insert "1944".

**Amendment No. 2.7**

On page 4 of the printed bill, as amended, strike out lines 33 to 52, inclusive, and on page 5, strike out lines 1 to 51, inclusive, and insert

\$2,200	\$2,250	\$0	\$0	\$0
2,250	2,300	0	0	0
2,300	2,350	0	0	0
2,350	2,400	0	0	0
2,400	2,450	0	.30	0
2,450	2,500	0	.77	0
2,500	2,550	0	1.24	0
2,550	2,600	0	1.71	0
2,600	2,650	0	2.18	0
2,650	2,700	0	2.65	0
2,700	2,750	0	3.12	0
2,750	2,800	0	3.59	0
2,800	2,850	0	4.06	0
2,850	2,900	0	4.53	0
2,900	2,950	0	5.00	0
2,950	3,000	0	5.47	0
3,000	3,050	0	5.94	0
3,050	3,100	0	6.41	0
3,100	3,150	0	6.88	0
3,150	3,200	0	7.35	0
3,200	3,250	.32	7.82	0
3,250	3,300	.79	8.29	0
3,300	3,350	1.26	8.76	0
3,350	3,400	1.73	9.23	0
3,400	3,450	2.20	9.70	0
3,450	3,500	2.67	10.17	0
3,500	3,550	3.14	10.64	0
3,550	3,600	3.61	11.11	0
3,600	3,650	4.08	11.58	0
3,650	3,700	4.55	12.05	0
3,700	3,750	5.02	12.52	0
3,750	3,800	5.49	12.99	0
3,800	3,850	5.96	13.46	0
3,850	3,900	6.43	13.93	0
3,900	3,950	6.90	14.40	0
3,950	4,000	7.37	14.87	0
4,000	4,050	7.84	15.34	0
4,050	4,100	8.31	15.81	0
4,100	4,150	8.78	16.28	0
4,150	4,200	9.25	16.75	0
4,200	4,250	9.72	17.22	0



\$4,250	\$4,300	\$10.19	\$17.69	\$0
4,300	4,350	10.66	18.16	0
4,350	4,400	11.13	18.63	0
4,400	4,450	11.60	19.10	0
4,450	4,500	12.07	19.57	0
4,500	4,550	12.54	20.04	0
4,550	4,600	13.01	20.51	0
4,600	4,650	13.48	20.98	0
4,650	4,700	13.95	21.45	0
4,700	4,750	14.42	21.92	0
4,750	4,800	14.89	22.39	0
4,800	4,850	15.36	22.86	.36
4,850	4,900	15.83	23.33	.83
4,900	4,950	16.30	23.80	1.30
4,950	5,000	16.77	24.27	1.77
5,000	5,050	17.24	24.74	2.24

**Amendment No. 3**

On page 10, line 33, of said bill, strike out "19201 of said code is amended", and insert "19201.5 is added to said code".

**Amendment No. 4**

On page 10, line 34, of said bill, strike out "19201", and insert "19201.5".

**Amendment No. 5**

On page 10, line 35, of said bill, strike out "1942", and insert "1944".

**Amendment No. 6**

On page 10, lines 37 and 38, of said bill, strike out "two thousand dollars (\$2,000)", and insert "three thousand dollars (\$3,000)".

**Amendment No. 7**

On page 10, lines 39 and 40, of said bill, strike out "three thousand five hundred dollars (\$3,500)", and insert "four thousand five hundred dollars (\$4,500)".

**Amendment No. 8**

On page 10, lines 41 and 42, of said bill, strike out "three thousand five hundred dollars (\$3,500)", and insert "four thousand five hundred dollars (\$4,500)".

**Amendment No. 9**

On page 11, line 1, of said bill, strike out "19203 of said code is amended", and insert "19203.5 is added to said code".

**Amendment No. 10**

On page 11, line 2, of said bill, strike out "19203", and insert "19203.5".

**Amendment No. 11**

On page 11, line 3, of said bill, strike out "1942", and insert "1944".

**Amendment No. 12**

On page 11, line 8, of said bill, strike out "two thousand dollars (\$2,000)", and insert "three thousand dollars (\$3,000)".

**Amendment No. 13**

On page 11, lines 10 and 11, of said bill, strike out "three thousand five hundred dollars (\$3,500)", and insert "four thousand five hundred dollars (\$4,500)".

**Amendment No. 14**

On page 11, line 12, of said bill, strike out "five thousand dollars (\$5,000)", and insert "six thousand dollars (\$6,000)".

**Amendment No. 15**

On page 11, line 14, of said bill, strike out "19204 of said code is amended", and insert "19204.5 is added to said code".

**Amendment No. 16**

On page 11, line 15, of said bill, strike out "19204", and insert "19204.5".

**Amendment No. 17**

On page 11, line 16, of said bill, strike out "1942", and insert "1944".

**Amendment No. 18**

On page 11, lines 17 and 18, of said bill, strike out "three thousand five hundred dollars (\$3,500)", and insert "four thousand five hundred dollars (\$4,500)".

**Amendment No. 19**

On page 11, line 19, of said bill, strike out "five thousand dollars (\$5,000)", and insert "six thousand dollars (\$6,000)".

**Amendment No. 20**

On page 11, line 25, of said bill, strike out "19205 of said code is amended", and insert "19205.5 is added to said code".

**Amendment No. 21**

On page 11, line 26, of said bill, strike out "19205", and insert "19205.5".

**Amendment No. 22**

On page 11, line 27, of said bill, strike out "1942", and insert "1944".

**Amendment No. 23**

On page 11, line 29, of said bill, after "individual", insert "(").

**Amendment No. 24**

On page 11, line 35, of said bill, strike out "two thousand dollars (\$2,000)", and insert "three thousand dollars (\$3,000)".

**Amendment No. 25**

On page 11, line 37, of said bill, strike out "three thousand five hundred dollars (\$3,500)", and insert "four thousand five hundred dollars (\$4,500)".

**Amendment No. 26**

On page 11, line 40, of said bill, strike out "five thousand dollars (\$5,000)", and insert "six thousand dollars (\$6,000)".

SWING  
HATFIELD  
KEATING

Senate Committee on Conference

SAM L. COLLINS  
EVANS  
WATERS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—31.

NOES—None.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 61, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 61**

**Senate Concurrent Resolution No. 61**—Relative to commending Lieutenant (j.g.) Perry S. Wood of the United States Naval Reserve. Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 576**—An act to amend Sections 19561, 19620, and 19627 of, and to add Sections 19490 and 19539 to, the Business and Professions Code, relating to horse racing.

Bill read third time.

## Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

## Amendment No. 1

In lines 4 and 5 of the title of the printed bill, as amended, between "racing", and the period, insert "and harness racing".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1123**—An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of, the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

Bill read third time.

## Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

## Amendment No. 1

On page 16, line 27, of the printed bill, as amended, after "authorized," insert "In any such research carried on hereunder, the Dean of the College of Agriculture of the University of California and the program committee shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable, such project shall be carried out by said College of Agriculture, but if the dean of said college and the program committee determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the program committee."

Amendment read and adopted.

Bill ordered printed, and to third reading.

## WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1197

Senator Mayo moved that Senate Bill No. 1197 be withdrawn from Committee on Transportation for purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1197**—An act to provide for the reorganization of the Department of Motor Vehicles and the Department of Public Works by transferring the California Highway Patrol to the latter and to amend Sections 776 and 777 and to add Sections 95, 96, 97 and 98 to the Vehicle Code, relating to such reorganization.

Bill read second time.

## Motion to Amend

Senator Mayo moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "for the reorganization", and insert "revenues to meet appropriations for the support".

## Amendment No. 2

In line 2 of the title of said bill, strike out "and the Department of Public Works by"; and strike out line 3 of the title and insert ", by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof,".

## Amendment No. 3

In line 4 of the title of said bill, strike out "and 777 and to add Sections 95"; and strike out lines 5 and 6 of the title, and insert ", 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately."

## Amendment No. 4

On page 1, line 1, of said bill, strike out "Section 95 is hereby added to Chapter 1 of"; and strike out lines 2 to 25, inclusive; and on page 2, strike out lines 1 to 51, inclusive; and on page 3, strike out lines 1 to 20, inclusive, and insert

"Section 776 of the Vehicle Code is amended to read:

776. Report and Deposit of Money. The department shall file at least monthly with the State Controller a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time [deposit] shall remit all money so reported [with] to the State Treasurer. On order of the Controller the Treasurer shall deposit in the Motor Vehicle Fund all such moneys so reported and remitted. [Of such moneys so reported and redeposited, the Treasurer shall place to the credit of the "Motor Vehicle Support Fund," which fund is hereby created, (a) thirty six and one-half per cent (36½%) of all fees received as registration and weight fees and penalties thereon, and fees for special plates, (b) all other moneys received by the department and not otherwise appropriated.

The balance of the money so received and reported as registration and weight fees and penalties thereon, and fees for special plates, shall be placed to the credit of the "Motor Vehicle Fund," which fund is hereby created in the State Treasury.]

All salaries and expenses of the department, including deductions for retirement pay, shall to the extent that specific appropriations are made therefor by the legislature and not otherwise be paid from the Motor Vehicle [Support] Fund.

SEC. 2. Section 777 of the Vehicle Code is amended to read:

777. [Appropriation] Appropriations for [Maintenance] Support and Operation of Department. [All] Such moneys in the Motor Vehicle [Support] Fund as are [hereby] appropriated in the Budget Act or any other appropriation act for the [maintenance] support of or expenditure by the department [to] shall be expended by the department in carrying out the provisions of this code, the provisions of Part 5 of Division 2 of the Revenue and Taxation Code, and in enforcing any other laws relating to vehicles or the use of highways. The department may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars (\$100,000), said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by [the Department of Finance and by] the State Controller.

SEC. 3. Section 778 is added to the Vehicle Code, to read:

778. Prohibition against Deficiencies. Section 11006 of the Government Code shall not apply to the Motor Vehicle Fund.

SEC. 4. Section 779 of the Vehicle Code is amended to read:

779. Apportionment to Counties. (a) [One-half] Thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates in the Motor Vehicle Fund is hereby appropriated and shall be paid to the counties of this State and the State Controller shall in the months of February and August of each year draw his warrants upon said Motor Vehicle Fund in favor of the county treasurer of each county for the amount to which each said county is entitled hereunder. Said payments shall be made to the counties in proportion to the number of fee-paid vehicles registered in such counties as determined by the places of residence of the owners to whom the registration cards are issued.



*The department shall, when requested by the State Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county according to the records of the department for the use of the State Controller in making the apportionments provided for herein.*

(b) In the event the actual domicile, residence or place of abode of an owner of any vehicle registered hereunder is in a county other than the county which the owner has designated as his place of residence in his application for registration and as shown by the records of the department, then the county auditor of the county receiving such funds from the State as hereinabove provided may draw his warrant in favor of the county wherein is located the actual domicile, residence or place of abode of such owner. Such warrant when so drawn shall be in such total sum as to cover all such vehicles as may properly be attributed to the latter county hereunder in order to secure payment to each county of sums in proportion to registration of vehicles therein according to the actual residences of the owners thereof.

SEC. 5. Section 781 of the Vehicle Code is amended to read:

781. Remainder of Motor Vehicle Fund [Deposited in] *Transferred to the State Highway Fund.* [All moneys remaining in the motor vehicle fund after the expenditures and deductions hereinbefore authorized, shall be paid into] *An amount equal to the total moneys remaining in the motor vehicle fund at the close of business on the last day of December of each year, after the expenditures and deductions authorized by this chapter, shall, during the month of February of each year, be transferred on order of the State Controller to the "State highway fund," to be expended in accordance with law.*

SEC. 6. Section 11003 of the Revenue and Taxation Code is amended to read:

11003. [There shall be first appropriated from the Motor Vehicle License Fee Fund for the use of the Department of Motor Vehicles such amount as the Department of Finance shall determine, and shall so certify to the Controller, is necessary for the enforcement of this part. The total amount shall not exceed 3 per cent of the money paid into the fund.] *During the months of January, April, July and October of each year an amount equal to six per cent of all motor vehicle license fees deposited in the Motor Vehicle License Fee Fund during the preceding three months and remaining therein after payment of refunds therefrom during said period, shall be transferred on order of the Controller to the Motor Vehicle Fund.*

SEC. 7. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. The balance of [the money] *all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund during the preceding three months and remaining therein after payment of refunds therefrom during said period and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller at the time of making the transfers authorized by Section 11003, be disbursed as follows:*

(a) Twenty per cent thereof shall be paid to the [General Fund of] *Motor Vehicle Fund in the State Treasury.*

(b) Forty per cent thereof shall be paid quarterly during each fiscal year to the cities and counties of this State in the proportion that the total population of each city or city and county bears to the total population of all cities and counties in this State, as [certified] *determined by the [department] Controller.* For the purpose of this subdivision the population of each city or city and county is that determined by the last Federal census. In the case of a city incorporated subsequent to the last census, or in the case of an unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last Federal census.

The money so paid shall be expended by the cities and counties for law enforcement, for the regulation and control and fire protection of highway traffic, and for any other State purpose.

(c) Forty per cent thereof shall be paid quarterly during each fiscal year to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as [certified] *determined by the [department] Controller.* For the purpose of this subdivision the population of each county or city and county is that determined by the last Federal census.

SEC. 8. Any other provision of law to the contrary notwithstanding, the apportionment herein provided to be made from the Motor Vehicle License Fee Fund during the month of July, 1945, and the apportionment herein provided to be made from the Motor Vehicle Fund during the month of August, 1945, shall not include the apportionment of any moneys deposited in said funds which shall theretofore have been apportioned in accordance with the provisions of law as they existed prior to the effective date hereof.

SEC. 9. Whenever, under the provisions of any law heretofore or hereafter enacted, any statement of determination of population of any city, city and county, or county of this State, or any other census report, is filed with the Department of Motor Vehicles of this State by the United States Bureau of the Census, the said Department of Motor Vehicles shall, forthwith upon the receipt by it of such statement or report, deliver the same to the Controller to be retained in his office.

SEC. 10. The Motor Vehicle Support Fund is hereby abolished as of the close of business June 30, 1945, and any cash balance remaining in said fund on said date, according to the records of the Controller, shall, during the following month of July, be transferred, on order of the Controller, to the Motor Vehicle Fund. Effective July 1, 1945, any appropriations heretofore and hereafter made out of the moneys deposited in the Motor Vehicle Support Fund or the Motor Vehicle License Fee Fund for the support of the Department of Motor Vehicles shall be payable from the Motor Vehicle Fund.

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The requirements for support of the Department of Motor Vehicles are such as to exceed the limitations of existing law as to said department's apportionment from the Motor Vehicle Fund and unless provision is made for adequate revenues to meet the requirements of the Department of Motor Vehicles, it will be necessary to reduce law enforcement and other functions of the department which are necessary or to provide additional funds from some other source. It is necessary that permanent provision be made to provide adequate revenues for the Department of Motor Vehicles to meet successive budgets of the department hereafter. A permanent solution of the problems involved which will provide sufficient revenues for support of the Department of Motor Vehicles without disrupting budgets for State and county highway purposes with attendant confusion is required and in order that such a solution may be made effective at the beginning of the coming biennium under the Budget Act and to avoid confusion in fiscal affairs, it is necessary that this act go into immediate effect."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Transportation.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 176**—An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property;

**Senate Bill No. 1201**—An act to add Section 6901 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of May, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 40

Senate Concurrent Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 19

Senate Concurrent Resolution No. 51

Senate Concurrent Resolution No. 27

Assembly Concurrent Resolution No. 25.

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 646

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 351

Assembly Bill No. 1061

Senate Bill No. 480

Assembly Bill No. 1253

Assembly Bill No. 779

Assembly Bill No. 1490

Assembly Bill No. 782

Assembly Bill No. 1561

Assembly Bill No. 798

Assembly Bill No. 2173

Assembly Bill No. 809

Assembly Bill No. 2181

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Constitutional Amendment No. 21:** By Senators Ward, Carter, Powers, Mixer, Rich—Proposed amendment to Section 22 of Article XX of the Constitution, relative to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

**MOTION TO PRINT REPORT**

Senator Seawell moved that the report of the Joint Legislative Committee on Rivers and Flood Control be printed in the Journal of Monday, June 4, 1945.

Motion carried.

**PRINTING OF REPORT IN JOURNAL**

Pursuant to the motion by Senator McBride made on May 29, 1945, the Report of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, was ordered printed in the Journal of this date.



# REPORT OF SENATE FACT-FINDING COMMITTEE ON HOMES AND INSTITUTIONS FOR THE AGED

Created by Senate Resolution No. 134 (1943)

## MEMBERS OF COMMITTEE

Senator Charles Brown  
Senator Jess R. Dorsey  
Senator James J. McBride, Chairman  
Senator John F. Shelley  
Senator Frank L. Gordon  
Senator Jesse M. Mayo

## ATTORNEY FOR COMMITTEE

Murray M. Chotiner

## Senate Resolution No. 134

*Resolved by the Senate of the State of California*, That the Senate Fact-Finding Committee on Homes and Institutions for the Aged, created under Senate Resolution 49, is hereby authorized to exercise all the powers granted to it by Senate Resolution No. 49, after the final adjournment of this (the Fifty-fifth) Session of the Legislature, and to file its report with the Senate of the Fifty-sixth regular Session of the Legislature during January, 1945; and, be it further

*Resolved*, That the sum of \$5,000, or so much thereof as may be necessary, is hereby made available to the committee from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution and Senate Resolution No. 49, to be paid from the Contingent Fund of the Senate and disbursed, after certification of the chairman of the committee, on warrants drawn by the State Controller upon the State Treasurer.

## Summary of Previous Proceedings

In 1942, at one of the hearings of the Senate Fact-Finding Committee created by Senate Resolution No. 156 (1941), evidence was submitted pointing to the fact that improper conditions existed in boarding homes, sanitariums, and rest homes where many aged people resided. Accordingly, the Senate of California, at the Fifty-fifth Session of the State Legislature, appointed a Fact-Finding Committee on Homes and Institutions for the Aged, under Senate Resolution No. 49 (1943), for the purpose of investigating conditions in boarding homes, rest homes, sanitariums and other institutions for the aged, as well as the competency of the persons operating them, the care furnished to the aged, and the licensing and supervision of such institutions.

An investigation was conducted and hearings were held, with a report of the Senate Fact-Finding Committee on Homes and Institutions for the Aged being filed with the Senate of the State of California on May 4, 1943, as printed in the Senate Journal on pages 2752-2765. Reference is hereby made to the said report of the committee as though set forth in full herein.

The report of the committee which was filed on May 4, 1943, disclosed the following factual information:

### Number of Aged and Homes Furnishing Care

Miss Martha A. Chickering, Director of the State Department of Social Welfare, testified:

	Los Angeles County	City and County of San Francisco	Alameda County	San Diego County
Number of aged receiving aid-----	65,423	11,372	7,629	7,395
Number of licensed boarding homes_	793	130	66	79
Number of licensed boarding homes caring for 15 or more aged-----	28	11	8	3
Statistics furnished by local officials:				
Approximately				
Licensed sanitariums and nursing homes -----	350	47	---	32

Lawrence C. Schreiber, Executive Director, Department of Public Assistance of Los Angeles County, testified that of the aged receiving aid in Los Angeles County, there are approximately 3,300 living in boarding homes, 1,700 in rest homes, and 1,400 in psychopathic rest homes; that almost 10 per cent of the aged receiving aid in Los Angeles County live in boarding homes, sanitariums and rest homes, according to the figures available in his department.



In addition to the number of licensed boarding homes, sanitariums and rest homes, it is estimated that the number of unlicensed places runs into the hundreds, according to the opinion rendered by Morris S. Siegel, Director of Sanitation and Housing of the Los Angeles City Health Department.

#### *Sufficiency of Present Laws and Regulations*

Boarding homes for the aged are governed by Sections 2300 to 2310 of the Welfare and Institutions Code, and the rules and regulations adopted by the Department, which, in substance, require a written license or permit from the State Department of Social Welfare or from one of its local accredited agencies in order for any person to receive or care for one or more persons over the age of 65 years, who is not a relative of the operator of the boarding home. Sanitariums and rest homes are not required to obtain a license or permit under State law or regulations.

Certain localities have enacted ordinances pertaining to this subject, but in most instances these are inadequate.

#### *Conditions in Places Used for Care of the Aged*

The evidence disclosed that many boarding homes for the aged, sanitariums and rest homes were improper in the following particulars:

1. Lack of sanitation and cleanliness.
2. Meager food and malnutrition.
3. Lack of linen and medical supplies.
4. Proper medical attention was not given to the aged in many instances.
5. Insufficient number of nurses and attendants.
6. Improper type of persons operating homes.
7. Physical violence to patients.
8. Lack of attention to patients who were left in a filthy condition on many occasions.
9. There are instances where there is not proper segregation of mentally and physically ill patients.

On March 23, 1943, a conference was held with State, county and city health and social welfare officials for the purpose of arriving at recommendations for the enactment of legislation covering the subject of boarding homes for the aged, sanitariums and rest homes.

When the report of the Senate Committee was filed on May 4, 1943, the Legislature was in the process of completing its business and seeking to finally adjourn; it therefore did not appear feasible to enact legislation which would under the circumstances be hurried and ill-considered. It was deemed essential that any legislation presented be thoroughly considered and carefully thought out, and all parties given an opportunity to be heard.

Accordingly the Senate Fact-Finding Committee on Homes and Institutions for the Aged was authorized, under Senate Resolution No. 134, to exercise all the powers granted to it by Senate Resolution No. 49 after the final adjournment of the Fifty-fifth Session of the Legislature, and to file its report with the Senate of the Fifty-sixth Session of the Legislature during January, 1945.

#### **Present Inquiry**

On September 5, 1944, a communication was sent to State, county and city health and welfare officials. A copy of the report of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, filed with the State Senate on May 4, 1943, was enclosed with the communication, and the public officials were requested to submit their answers to pertinent questions concerning the subject of boarding homes for the aged, sanitariums and rest homes.

The questions propounded were:

- (1) Are conditions in boarding homes, rest homes and sanitariums the same now as were disclosed by the previous investigation?
- (2) Are housing facilities for the aged in boarding homes, rest homes, and sanitariums scarcer than they were in 1943?
- (3) Is there a need for State legislation covering the subject of boarding homes for aged, hospitals, sanitariums, and rest homes?
- (4) Should the licensing and regulation of them be done by the State, or local officials?
- (5) Should there be a uniformity of minimum rules and regulations throughout the State?
- (6) Should a State agency maintain supervision over the local agencies in the event the matter of licensing, regulation and enforcement is delegated to local officials; if so, which State agency should be used?
- (7) If local agencies are to license and regulate boarding homes for the aged, sanitariums and rest homes, which local agencies should be charged with that responsibility?
- (8) Should commercial placement agencies be banned, or licensed and regulated; and, if so, should it be under the supervision of a State or local agency?

Written replies to the interrogatories were furnished by the following: Dr. Wilton L. Halverson, State Director of Public Health, Charles M. Wollenberg, State Director of Department of Social Welfare, Dr. H. O. Swartout, County of Los Angeles Health Officer, E. J. Bumiller, Los Angeles County Health Department, Chief of Section of Sanitation and Housing, Harry Farrell, President, Los Angeles County Public Welfare Commission, Floyd A. Walker, Los Angeles County Deputy Superintendent of Charities, Dr. George M. Uhl, Los Angeles City Health Officer, Charles L. Senn, Los Angeles City Health Department Director of Sanitation Section, M. S. Siegel, Los Angeles City Health Department, Director of Division of Institutional Inspection, William P. Mayer, San Diego County Director of Department of Public Welfare, Dr. Alex M. Leseem, San Diego County Director of Health, Dr. J. C. Geiger, City and County of San Francisco Director of Public Health.

In addition to the written communications received from the foregoing public officials, the following appeared at the hearings of the committee held on December 19th and 20th and gave oral testimony: Charles M. Wollenberg, State Director of Department of Social Welfare, C. A. Herbage, Deputy Director, State Department of Social Welfare, Dr. Wilton L. Halverson, State Director of Public Health, Floyd A. Walker, Los Angeles County Deputy Superintendent of Charities, E. J. Bumiller, Los Angeles County Health Department, Chief of Section of Sanitation and Housing, and M. S. Siegel, Los Angeles City Health Department, Director of Division of Institutional Inspection.

### Summary of Answers to Interrogatories Propounded

- (1) Are conditions in boarding homes, rest homes, and sanitariums the same now as were disclosed by the previous investigation?

The general consensus is that conditions in boarding homes, sanitariums and rest homes are generally the same now as were disclosed by the previous investigation. Opinion was expressed that they are probably worse, due to the difficulty in securing the services of physicians, nurses and attendants.

- (2) Are housing facilities for the aged in boarding homes, rest homes, and sanitariums scarcer than they were in 1943?

The general consensus is that housing facilities for the aged in boarding homes, sanitariums, and rest homes are more limited now than they were in 1943. The number of licensed boarding homes has decreased slightly due in part to the housing situation and in part to the desire of some operators to enter into other activities. Many homes and institutions have long waiting lists. It was pointed out that "bootleg" operation of sanitariums and rest homes is on the increase, and that the war, as well as economic conditions, together with a lack of appropriate laws, or regulations, encourage their increase and interfere with the improvement of standards of sanitariums and rest homes.

- (3) Is there a need for State legislation covering the subject of boarding homes for aged, hospitals, sanitariums and rest homes?

It was the unanimous opinion of all witnesses who were interviewed that there is a definite need for State legislation covering the subject of boarding homes for the aged, sanitariums and rest homes. It was pointed out that there is no State law or regulation governing hospitals, sanitariums and rest homes other than maternity hospitals, tuberculosis sanitariums and mental institutions.

- (4) Should the licensing and regulation of them be done by the State, or local officials?

It was the general consensus that the original responsibility for the licensing and regulation of boarding homes for the aged, sanitariums and rest homes should rest in a State agency. However, it was the unanimous opinion of all persons interviewed that the State agency should delegate the powers to accredited local agencies.

- (5) Should there be a uniformity of minimum rules and regulations throughout the State?

It was the unanimous opinion of all witnesses that there should be a uniformity of minimum rules and regulations throughout the State and, at the same time, leave the matter of increased regulations to the respective local communities depending upon their need and facilities.

- (6) Should a State agency maintain supervision over the local agencies in the event the matter of licensing, regulation and enforcement is delegated to local officials; if so, which State agency should be used?

It was unanimously agreed that jurisdiction over the licensing and regulating of sanitariums and rest homes should be given to the State Department of Public Health, with authority being granted to it to delegate its functions to local accredited agencies.

However, there was a definite difference of opinion as to which State department should be given the jurisdiction of licensing and regulating boarding homes for the aged. It should be noted that at the present time the State

Department of Social Welfare is the State agency charged with that responsibility. The testimony disclosed that there is a very thin line of demarcation, if any at all, between a boarding home for the aged, and sanitariums, or rest homes.

It can best be summarized by stating that the Social Welfare officials were of the opinion that the Department of Social Welfare should maintain jurisdiction over boarding homes for the aged, whereas Public Health officials were generally of the opinion that the Department of Public Health should exercise jurisdiction over the boarding homes for the aged.

Mr. Charles M. Wollenberg, State Director of the Department of Social Welfare, recommended that the State Department of Public Health have the jurisdiction over sanitariums and rest homes as distinguished from strictly boarding homes for the aged.

Mr. CHOTINER: Now, let us take the example of a home which has aged persons over the age of 65 years, who are ambulatory—they are able to take care of themselves. That same home will have some aged persons who come under the jurisdiction of, you might say, a rest home, or let us say that one of the aged persons is well and becomes sick to the point where that person needs attention, then you would have a home which would require a license from two State departments—one from the Department of Social Welfare and one from the Department of Public Health.

Now, do you see any obstacles in the way of enforcement in that type of situation?

Mr. WOLLENBERG: We have a feeling that we can develop legislation that will give the licensing to the department that has the major problem in that home and cooperation from the other department—that is, they can be brought in when the condition arises. In other words, we want to see legislation that will give rest homes to the Department of Public Health—definitely a nursing home or rest home and the Department of Public Health has the opportunity to call on the Department of Welfare to help solve the problems that concern the aged as to the welfare side of the problem and vice versa.

Mr. CHOTINER: Would you recommend that any home be required to have two licenses?

Mr. WOLLENBERG: No.

Mr. CHOTINER: One from the Department of Social Welfare and one from the Department of Public Health?

Mr. WOLLENBERG: I think that would be a mistake.

Mr. CHOTINER: Who, in your opinion, should be the person or the agency to determine under which department that individual place should operate?

Mr. WOLLENBERG: I think that the original request should be weighed as to the type of people they expect to take into that home originally and the department, accordingly, that operates, would grant the license. In other words, if a person applies for a license and in the discussion it is indicated they are going to take care of bed and nursing cases, semi-chronically ill cases, it should be the Department of Health. If it is a home for the aged, then the Department of Welfare.

Mr. CHOTINER: Let us take a home which strictly speaking would be considered as a boarding home for the aged. That type of a place would require a license from the Department of Social Welfare, is that correct?

Mr. WOLLENBERG: Yes.

Mr. CHOTINER: Then let us assume that that same home has some of its aged who become ill, would that type of a home then be referred to the Department of Public Health or would your department continue to handle it?

Mr. WOLLENBERG: We would discover that there were ill people in the home either by complaint or by re-investigation and if we discovered that we would call on the Department of Public Health to go into that home to see that adequate nursing care was provided to those who needed it.

Mr. CHOTINER: And if that situation arose where it looked like you needed the assistance of the Department of Public Health would you recommend then that that home come under the jurisdiction from that time on of the Public Health Department or should the Social Welfare Department continue to handle it?

Mr. WOLLENBERG: I think my policy would be that we would try to have that patient moved out of the home to a standard nursing home and continue the licensing under the State Department of Welfare.

In normal times that could be done. Today I doubt whether you could move people quickly on account of the scarcity of housing and scarcity of nursing homes, but I feel that we should legislate for a normal condition



and a home that is not originally intended as a nursing home when an aged person becomes ill and the doctor decides that that illness is a permanent thing we should endeavor to assist those people in getting that person out and into a standard nursing home.

MR. CHOTINER: At this point, if I may ask Mr. Wollenberg the same question as has been propounded by Senator Dorsey. Do you see any objection to transferring the jurisdiction over boarding homes for the aged to the State Department of Public Health?

MR. WOLLENBERG: From the standpoint of transferring, no. But I think there is a responsibility on the Department of Public Welfare. When we speak of aged we must remember that we are talking of the dependent aged and not the self-supporting aged.

We have some 165,000 or 170,000 in the State Department of Social Welfare. We have the definite responsibility of safe-guarding their pensions and seeing that they are spent in a proper way under the Social Security Act. I can see where difficulties would arise with the subvention that comes from the Federal Government if we transferred that portion of the aged that are on Social Security to a department outside of the Social Security Act. In that particular activity I can see difficulty.

From a practical standpoint, none. But from the law that exists today, yes, I can see difficulties.

MR. CHOTINER: From the standpoint of merely transferring the licensing and regulation of these homes to the Department of Public Health do you feel that there would be any conflict with the Federal Law insofar as assistance from the Federal Government is concerned?

MR. WOLLENBERG: As I see the law, we are charged with going into these homes. We go into them through the power of licensing them.

MR. CHOTINER: Would you have the same authority or the same privilege of checking these homes by conference with the Department of Public Health?

MR. WOLLENBERG: With the association that we have with the Department of Public Health I know we would have no difficulty. But I don't think it would be a good procedure under which you could operate. There are hundreds of homes in which we have the ambulatory group—a group which is moving around on their own. I can see difficulty in keeping our hand in contact with that group if licenses were issued somewhere else.

SENATOR SHELLEY: I would like to ask either one of these gentlemen, does any problem arise in these homes for the aged people in distinguishing between what the actual condition of a person is? Some of these people are old to the point of, perhaps, bordering on senility and sometimes people may think they are a little off balance mentally when actually it is simply old age. Is there any way that would create a problem?

MR. WOLLENBERG: Are you asking me?

SENATOR SHELLEY: Either or both of you. I would like to have the views of both of you.

SENATOR DORSEY: One at a time, however.

MR. WOLLENBERG: I would say that problem is going to develop all the time as people get old and become more senile and irresponsible. We call those homes nursing homes but many are custodial homes, and I don't think there would be any question between us as to where that type of person who, through processes of age, have become mentally irresponsible should go. They should go to a nursing home. They might not need medical or nursing care but they need custodial care, bed care and safe-guarding.

The nursing home would be the proper place for such a person.

MR. CHOTINER: Mr. Wollenberg, suppose the jurisdiction over all boarding homes for the aged as well as the sanitariums and rest homes was granted to the Department of Public Health and before the Department of Public Health would issue a license to what is commonly known as strictly a boarding home for the aged, it would require a report from the Department of Social Welfare, then do you see any objection to that type of licensing?

MR. WOLLENBERG: That could be worked out.

MR. CHOTINER: Do you think that would be preferable to having two State departments issuing licenses to two different types of institutions, but where the border line or line of demarcation is so fine that it is difficult to tell just which department has jurisdiction?



MR. WOLLENBERG: I think the State Department of Public Health today and the State Department of Social Welfare working together in many of these cases could determine that. I think we could work together and determine whichever department should license that particular place.

I think today under the law we are probably charged with licensing the homes we are discussing—that is, the nursing homes. If you decide that one department is to issue all the licenses I think you would have to weigh the load on this side and that side and see where it should be placed. I am not sure where it should be placed.

I do not anticipate if the law sets up the cooperation in the law that you have set up there would be any difficulty at all between the two departments."

Dr. Wilton L. Halverson, State Director of Public Health, Los Angeles, testified as follows:

DR. HALVERSON: Well, in the light of the statements that I have made it seems to me that the responsibility of a State Department of Health should rest almost solely with the institutions that are giving medical care—that is giving care that is usually given in hospitals, sanatoria, and rest homes for patients that are not ambulatory, but patients that are in bed and requiring nursing and medical care. And in further amplification of that I would like to say if we think of this group of institutions as a general group as contrasted with hotels and boarding rooms, whether for the aged or for other individuals, it seems to me that it should not be the responsibility of the Department of Public Health—or stated the other way, it should be the responsibility of the Department of Social Welfare to license agencies that care for persons who are not ill in the age groups or in the classification of populations for which they have responsibility. And I am thinking of the children's homes and homes for the aged, and possibly other categories—homes for the blind. I don't know of any homes, especially for the blind that are operated by private individuals, but it seems to me that the population groups that are not ill and that fall under the jurisdiction of the Social Welfare Department—I will state it conversely, that institutions that care for those units of the population that are not ill probably should be under the supervision of the Department of Social Welfare.

MR. CHOTINER: Dr. Halverson, from your experience as a physician and engaged in public health work, would you say that people once reaching the age of 65 years, as a general proposition, there is enough temporary illness among those of that age that they require some medical attention if they are going to be living in a boarding home or some place away from, we will say, their family.

DR. HALVERSON: Yes. I suppose we would have to say as a person grows older he is subject to more periods of time when he needs medical care or nursing care.

MR. CHOTINER: From the standpoint of the operator of the home who is trying to conduct a legitimate place of business, do you believe that it is preferable from the standpoint of the operator that he should be subject to the jurisdiction, both from a licensing standpoint, inspection standpoint, and rules and regulations, of two departments of the State or just one?

DR. HALVERSON: I think he should be subject to the rules and regulations and licensing of only one department.

MR. CHOTINER: Now let us take the home that starts out to maintain a strictly boarding home for the aged, a home which caters to people over the age of 65 years.

As you have pointed out, once they reach that age there is more recurrence of illness where they do require medical attention. Do you believe that that type of home should be under the jurisdiction of the Department of Public Health or the Department of Social Welfare, keeping in mind that there are recurrent cases of temporary illness.

DR. HALVERSON: I would have to say it seems to me that the individual operating the home would have to arrive at a decision whether he was going to care for the chronically ill or not.

And when it becomes evident, as it always does, that an individual reaches a state where he is more susceptible than the average to chronic illness, he will have to make the decision that that patient will be shifted to a rest home or to a nursing home.

Now, no matter what the types of institutions we have, people will be ill a certain amount of time, there will be a few illnesses, but if the operator of the rest home for the aged reaches the decision that he is going to take care of individuals who are chronically ill, then he should make application for license for the operation of an institution for the care of the ill.

MR. CHOTINER: Let us take the case of an operator of a home who finds it more convenient not to make an application to the Department of Health, but prefers to operate under the Department of Social Welfare for the reason that obviously the regulations and the requirements would not be as strict where medical care is not professed to be given, but who, nevertheless, is caring for people who do require medical attention.

Now, if that type of case were before us what is your recommendation as to how that type of home should be handled?

DR. HALVERSON: Well, it is my impression that the investigators for the local welfare department without any difficulty would detect such subterfuges. And when I say that, I think of my experience in the actual checking of these homes in Pasadena and Los Angeles County during my previous experience. It was very apparent even to the non-professional groups who had the responsibility of checking these homes when individuals were employing a subterfuge in an attempt to deceive the authorities.

MR. CHOTINER: Supposing the Legislature should see fit to require that all of these types of places, including boarding homes for the aged and for people over 65, should be under the jurisdiction of one State agency, which State agency do you think is the proper one to handle it?

DR. HALVERSON: Well, that is a hard one for me to answer. If you are thinking of the general category of the general responsibility for institutions for the care of the ill, you see, then it becomes evident that it should be a department of State Government that employs professional medical individuals.

There must be some time soon general legislation for the supervision of institutions that care for the ill.

MR. CHOTINER: From an administrative standpoint, Doctor, and assume that the State Legislature would pass a law placing all of these types of homes and sanitariums and so forth under the jurisdiction of the Department of Public Health, do you see any obstacles or any practical difficulties in the Department of Public Health adopting rules and regulations which would apply to the strictly boarding home for the aged then otherwise would apply to general hospitals, sanitariums, and rest homes, and calling on the Department of Social Welfare to submit its report and recommendations as to strictly boarding homes for the aged before your department would issue a license to a boarding home for the aged?

DR. HALVERSON: I believe that that could be worked out very well between the departments of Social Welfare and Public Health. And I would say further that should legislation of that type be enacted it would be the plan of the State Department of Public Health to utilize the Welfare Agencies throughout the State, of the State Department of Social Welfare, to take the responsibility of the administration of the act as far as the strictly boarding homes were concerned.

MR. CHOTINER: Dr. Halverson, which do you think is the more prevalent in boarding homes for aged over 65 years of age, the homes where there are recurrent cases of illness or homes which do not have recurrent cases of temporary illnesses?

DR. HALVERSON: When you say "recurrent cases of temporary illnesses," then of course I would have to say that every home occasionally has somebody who is ill.

MR. CHOTINER: In other words, at some time or another there is somebody in that home that requires some medical attention.

DR. HALVERSON: But I would say this: that in my limited experience in checking of these rest homes I would say it would be divided about half and half between the homes that really care for the aged ill and the homes that care for the aged who are not ill, who are ambulatory and who are up and about, and homes that make no pretense for providing medical care and where the necessity for providing medical care is not great. That may not be a good estimate, but that is as close as I can say.

MR. CHOTINER: When you say half and half, do you mean half of the people in the homes or half of the homes?

DR. HALVERSON: I was thinking half of the individuals and half of the homes. I was talking rather loosely there because I don't have data before me to substantiate that.

\* \* \* \* \*

DR. HALVERSON: It would seem to me that on the average the elderly people who seek a home of any kind would tend to be the people who have some physical infirmity. Therefore, the percentage of aged in homes who are chronically ill would be greater than the percentage of the aged in the general population who were chronically ill.

SENATOR SHELLEY: That is in line with my thinking.

SENATOR DORSEY: Isn't there in these boarding homes always involved the matter of the health of those aged persons?

DR. HALVERSON: Yes, that is true.

SENATOR DORSEY: The matter of diet and the matter of care of recurrent illnesses, temporary illnesses, colds and all that, isn't there always involved a health question there? That is what I am concerned with.

DR. HALVERSON: My answer to that, Senator, would be yes there is. There is always a health problem involved with our general population—with every one of us.

\* \* \* \* \*

MR. CHOTINER: Do you see any objections from an administrative standpoint if your department were to have the jurisdiction of licensing the boarding homes for the aged provided the Department of Social Welfare were required by the law to furnish and submit reports to you of any applicant that wishes to conduct such a boarding home?

DR. HALVERSON: I see none, if the legislation makes funds available to the Department of Social Welfare to perform those functions.

\* \* \* \* \*

DR. HALVERSON: It is my present feeling that it will be necessary to have different rules and regulations for a boarding home than for hospitals or sanitoriums or rest homes. And I say that thinking of the experience that we have had over the years in preparing rules and regulations for the conduct of maternity hospitals."

Mr. E. J. Bumiller, Los Angeles County Health Department, Chief of Section of Sanitation and Housing, testified as follows:

SENATOR DORSEY: I would like to ask a question. What objection would there be to having the boarding homes placed under the jurisdiction of the Department of Public Health just the same as the others, in order to eliminate the two agencies?

MR. BUMILLER: There wouldn't be any objection as far as I can see. And I don't think there would be any objection to our Health officer, but I think that the State Department of Public Health should clear through the Department of Social Welfare before they license the institution, because they are Welfare people and we are nothing but Public Health people, you see.

\* \* \* \* \*

MR. BUMILLER: In the aged homes we have a lot of arthritis, heart trouble, and so forth. The seniles are not as cumbersome as the other type and that is where the problem comes in.

MR. CHOTINER: There is this question that occurs to me and I want to get some enlightenment from the witnesses here. I can visualize where two different State agencies are handling a general subject and the general subject is only divided by a line which is where you need medical care the patient comes under the Department of Health and where medical care is not needed it comes under the Department of Social Welfare. And the illustration as suggested here by Senator Shelley, I am wondering in my own mind from an administrative standpoint, not only from the agency viewpoint but from the viewpoint of the operators of these homes, where you are going to draw the line and who is going to be able to say:

"Well, you need a license from the Department of Social Welfare," or "you need a license from the Department of Public Health."

Can you help me on that, Mr. Bumiller?

MR. BUMILLER: I see your point very clearly and I feel no doubt the Department of Public Health could license all of those and still, as I said before, clear through the Social Welfare outside of what this gentleman brings forth with reference to the Social Security Act. I am not acquainted with that and I would not want to answer that. But I know in our dealings with the Department of Institutions and the Department of Social Welfare we get along fine together. They submit to us everything over 10 to 12 people and ask us to pass on it. Anything below that is turned over to the Public Welfare Commission of the county and they do not see fit to clear through us on that point. There is little friction there.



Mr. Floyd A. Walker, Los Angeles County Deputy Superintendent of Charities, testified as follows:

MR. CHOTINER: Now, do you believe that the jurisdiction of the licensing and regulations of boarding homes for the aged should be in one agency, whereas the supervision and regulation of licensing of sanitariums, and rest homes, should be in another agency?

MR. WALKER: Well, I would like to carry out that line of demarcation between the care to those who are ill and those who are not, one coming clearly under the Department of Health and the other, I think, under Social Welfare."

Mr. Morris S. Siegel, Los Angeles City Health Department, Director of Division of Institutional Inspection, testified as follows:

MR. CHOTINER: Now, if you will keep in mind what is commonly referred to as a "boarding home for the aged" as distinguished from a sanitarium or rest home where medical care is supposed to be provided for the people who live there, what is your opinion as to whether or not the two classifications should be under the jurisdiction of one agency or under two agencies?

MR. SIEGEL: I cannot possibly see why two agencies should be involved in this when 90 per cent of the problems that arise in these institutions are health problems.

I believe that the Department of Social Welfare has a certain field that they must cover from a social welfare point of view. That has been my experience from actual contact for years as a field representative. The social welfare is only 10 per cent of the problem that we encounter in any of these institutions and I cannot possibly see how after the health and sanitary and medical care features and all the related incidents that go with it are once taken care of the remainder, 10 per cent of the problem, dealing with social welfare, can easily be taken care of by the Department of Social Welfare without any authority for licensing or the adoption of that authority or the regulation of those institutions because in most instances their problems will be of a nature that is personal with the patient or the inmate to bring it up to a standard and in harmony with the policy of the department.

MR. CHOTINER: Mr. Siegel, let us take the case of an operator who sets out legitimately to run just strictly a boarding home for the aged. Do you find from your experience that there are enough cases within that strictly boarding home for the aged as they started out to operate, involving medical care over a period of time that take it out of the classification of boarding home for the aged and put it in the classification where some medical care is required so as to require supervision by some health agency.

MR. SIEGEL: If the Committee will pardon me for using slang, I will say that 90 per cent of the boarding homes for aged that are licensed by the State Department of Social Welfare turn out to be bootleg sanitariums.

MR. CHOTINER: You say 9 or 90 per cent?

MR. SIEGEL: 90 per cent turn out to be bootleg sanitariums where all kinds of patients are housed that are in need of medical care or nursing care or some other kind of care. And the reason for it is—it is quite obvious because of the zoning laws that exist in this city. In this city we do not permit a sanitarium to be established in any other place or zone other than a so-called "C-2" or better zone. Now, for the enlightenment of the members of the committee I will say that the C-2 zones include business zones, heavily trafficked arteries. They do not include residential zones of any nature whatsoever.

Now, 90 per cent of these homes for the aged want to be established in the so-called "R" zones—the multiple dwelling zones and some of them even in single dwelling zones. Now, it is obvious they cannot obtain a permit from the Health Department to run a sanitarium in those so-called "R" zones. Consequently, the next out is to go to the Department of Social Welfare and obtain a license from them to run a home for the aged or boarding home for the aged, which is permitted in the residential areas, and in 90 per cent of the instances we find that these so-called boarding homes for the aged are in fact sanitariums in that they house the sick, the ill, the aged, and the infirm.

MR. CHOTINER: What agency in your opinion should be the one given the authority to supervise and license and regulate boarding houses for the aged as well as sanitariums and rest homes?



MR. SIEGEL: I believe that for purpose of good administration and for purposes of having a close check on the administration of a law of this nature, that it would be wise, first, to establish minimum regulations as to what kind of care and what kind of facilities should be provided for this type of home or institution. That it should be more or less broad gauge so that the small counties can comply with the minimum standards; that local departments or political subdivisions of a size or nature like Los Angeles and San Francisco or Oakland or San Diego should be empowered to enact further and more restrictive legislation or more elaborate legislation to meet the needs of the local community. The State can then be a supervisor and see to it that these laws are not neglected; that they are enforced but that the basic authority, the primary duty of enforcing these standards be left with local agencies like local departments of San Francisco or Oakland or Los Angeles or San Diego.

MR. CHOTINER: Which State agency should be given the jurisdiction over the entire subject matter in your opinion?

MR. SIEGEL: Oh, I think the State Department of Public Health should have 90 per cent control over it.

MR. CHOTINER: When you say '90 per cent' where does the other 10 per cent go?

MR. SIEGEL: Well, I figure that the other 10 per cent should go to the State Department of Social Welfare for purposes of acting as consultant in the welfare field in the institutions in which they might be concerned.

MR. CHOTINER: Now, by that, Mr. Siegel, do you have in mind that the Department of Public Health should issue all of the licenses or that the Department of Social Welfare should issue any of them?

MR. SIEGEL: I think that the local departments should issue the licenses pursuant to that law. I don't think that the State department should issue the licenses at all. I think the local department should issue the licenses and the State department should only issue the licenses in cases of counties where there are no organized health departments or where it is impossible for them to maintain a corps of personnel necessary to carry on this work.

MR. CHOTINER: Well, perhaps I did not make myself clear. What I had in mind was this: When I say 'the State Department of Public Health or State Department of Social Welfare' I use those terms to include whatever delegated agencies they might give the authority to in the local area. But what I want to arrive at is this: should a social welfare agency, whether it should be State or local, handle the issuance of the licenses as well as regulate and supervise the boarding homes for the aged? Or should it be handled solely by the Department of Health?

MR. SIEGEL: I think the State Health Department should handle the whole field of licensing. I don't think that the State Department of Social Welfare is the proper agency, in view of many experiences, to license these institutions at all.

MR. CHOTINER: What part, if any, do you think the Social Welfare Department should play in the subject matter?

MR. SIEGEL: They should play a sufficient part to take care of such incidents as this. I think that they should be consulted with reference to investigating the operator or applicant for the operation of these places. I think that they are the proper parties to investigate as to whether or not life care contracts are entered into between inmates and operators.

I believe that they should come in in the way of advising procedure or what steps there are to be taken in the case of mistreatment of inmates by fraud or many other factors that enter into the field such as, for instance, the experience we have had here where somebody started a home for the aged and collected a month's rent from about 40 inmates and then left the inmates starving to death and departed for places unknown. I think that a contingency of that sort ought to be taken care of either by investigation of the character of the operator, or the applicant for a license or permit, or by means of a bond wherever it is necessary. But something ought to be done.

There is a field for the Social Welfare Department to come in and fill but, as I have said, it only represents about 10 per cent of the entire field of activity and scope of activity in the operation of these institutions.

MR. CHOTINER: Do you believe that the law should require a report from the Social Welfare Department before the Health Department issues a license to any of these classifications?

MR. SIEGEL: There is no reason why that would not be a good idea. We require a report at the present time from the fire department for the construction of a building. We require a report from the safety and building department as to proper construction and I can not see why good can not be accomplished by also requiring a clearance from the Social Welfare Department with reference to the character of whatever social welfare features there may be involved.

MR. CHOTINER: Do you believe the law should go so far as to require the approval of the Social Welfare Department before the Department of Public Health issues a license to any of these classifications?

MR. SIEGEL: I don't think that is necessary in every instance but I think it may be necessary in some instances.

MR. CHOTINER: Well, now, where would you draw the line as to where it is necessary and where it is not?

MR. SIEGEL: Well, it all depends on the type of institution and the type patients they intend to cater to. For instance, the biggest problem that we have now is the care or the lack of care that is afforded to the individual that is a State pensioner.

He comes into these privately operated institutions with his \$50 a month and he needs \$150 worth of care a month in the way of nursing and diet and whatnot. Now, that type of institution can operate with profit only when they have a capacity of 150 or more. The very moment they have a smaller number they can not possibly give them the care that they need. Consequently, I believe that in the case of an operator intending to take in pensioners, I believe the State Social Welfare Department should check into that situation and see whether or not they are responsible parties, parties that can be trusted with the care of inmates of that character.

But when it comes down to the other type of institution where the people are able to pay their way, pay \$100 a month or more for their care, that type of individual can usually be regulated and brought to time and made to comply with standards and is usually willing to comply with standards and he doesn't need any social service investigation—that is, to the extent that these others would.

SENATOR DORSEY: I would like to ask a question. Don't you think that the recommendation of the Welfare Department for or against the granting of an application that you are talking about would be given proper and due consideration by the Health Department in the matter of issuing the license or not issuing the license?

MR. SIEGEL: I want to be conciliatory. I think the Health Department would do a 100 per cent job there but, for the sake of being conciliatory and not trying to hog the whole show, I am willing to concede that the Social Welfare Department has 10 per cent of the business there.

SENATOR DORSEY: Then they would recommend for or against the granting of that license and the Health Department would give that proper consideration.

MR. SIEGEL: They sure would.

SENATOR DORSEY: As to their action.

MR. SIEGEL: They sure would.

SENATOR DORSEY: So they could work along together.

MR. SIEGEL: That is right.

SENATOR DORSEY: On the 10 per cent you are talking about.

MR. SIEGEL: That is right, Senator.

MR. CHOTINER: Do you think it is necessary to make the favorable recommendation of the Welfare Department mandatory in any of the cases?

MR. SIEGEL: Why, I think that—I don't believe so. I believe that it should be given serious consideration but to make it mandatory I think would be throwing an obstacle in the way of sensible enforcement because, with all due respect to the social workers as a profession, and if there are any present I apologize to them, but my reaction to their viewpoint is that they are full of book learning and haven't got a sense of practicality or realism in their make-up.

- (7) If local agencies are to license and regulate boarding homes for the aged, sanitariums and rest homes, which local agencies should be used?

The opinion as to whether it should be a local health department or a local welfare department was substantially the same as the opinion rendered by the various witnesses as to whether it should be a State Department of Health or a State Department of Social Welfare to be charged with the responsibility of

licensing and regulating boarding homes for the aged, sanitariums, and rest homes. The opinion was also expressed that the local authorities should have the choice of determining whether it should be a local health or welfare department to be designated as the accredited agency.

- (8) Should commercial placement agencies be banned, or licensed and regulated; and, if so, should it be under the supervision of a state or local agency?

A commercial placement agency is regarded as a private business which keeps available data concerning boarding homes, sanitariums and rest homes, and makes the information available to physicians and persons desiring the facilities of such institutions. A fee is charged of the operator of the institution which is a percentage of the amount of money paid by the inmate or patient to the operator of the institution.

The testimony disclosed that there is a need for commercial placement agencies but that because of abuses which exist and because of the likelihood of further abuses being committed, it was recommended that the commercial placement agencies should be subject to licensing and regulating.

#### Recommendations of the Committee

Based on the foregoing facts, your committee makes the recommendation that a bill should be passed by the State Legislature providing for:

(1) Definition of boarding homes for the aged, sanitariums, rest homes and hospitals;

(2) Jurisdiction over the licensing and regulating of boarding homes for the aged, sanitariums, rest homes and hospitals should be placed in the State Department of Public Health;

(3) The State Department of Public Health may delegate its duties to accredited local agencies;

(4) Before a license to operate a boarding home for the aged is issued by the State Department of Public Health, or any of its accredited local agencies, a report from the State Social Welfare Department, or its accredited local agency, concerning the welfare problems involved shall be submitted to the licensing authority;

(5) The State Department of Social Welfare may delegate its duties in connection with recommendation (4) to accredited local agencies;

(6) Minimum standards should be set forth, which shall be applicable to every county in the State and shall govern the operation of boarding homes for the aged, sanitariums, rest homes, and hospitals;

(7) The State Department of Public Health shall be empowered to adopt additional standards, regulations, and rules, which shall be applicable only to counties of the first to fifteenth classes, inclusive (Los Angeles, San Francisco, Alameda, San Diego, Fresno, Santa Clara, Sacramento, San Bernardino, Kern, San Joaquin, Orange, San Mateo, Tulare, Riverside and Contra Costa);

(8) All cities and counties are empowered to enact ordinances providing for additional standards, regulations and rules governing the operation of boarding homes for the aged, sanitariums, rest homes, and hospitals, so that the State shall not preempt the field in this class of legislation;

(9) It shall be a misdemeanor for anyone to operate a boarding home for the aged, sanitarium, rest home, or hospital, without first obtaining a license therefor from the State Department of Public Health or from one of its accredited local agencies; it shall also be a misdemeanor to violate any of the rules or regulations that may be adopted by the State Department of Public Health, or any of its accredited local agencies, pursuant to the authorization given to it by this bill, governing the operation of boarding homes for the aged, sanitariums, rest homes, or hospitals. The punishment for violation of either one of the said misdemeanors shall be imprisonment in the county jail for a period up to six months, or by a fine up to the sum of \$500, or both;

(10) The State Department of Public Health, or its accredited local agency, may revoke the license granted to any operator of a boarding home for the aged, sanitarium, rest home, or hospital, for violation of any statute, or the violation of any rule or regulation adopted by the State Department of Public Health, or any of its accredited local agencies, pursuant to the authorization granted in this bill, governing the operation of any boarding home for the aged, sanitarium, rest home, or hospital. Revocation of the license shall only be made after a hearing is held by the State Department of Public Health, or its accredited local agency, and due notice of such hearing is given to the operator;

(11) Definition of a commercial placement agency shall be set forth;

(12) Jurisdiction for licensing and regulating commercial placement agencies shall be placed in the State Department of Public Health. No license shall be granted to any operator of a commercial placement agency without first obtaining a written report from the State Department of Social Welfare. The license fee shall be one hundred dollars (\$100) a year, payable at the time of making the application for a license. In the event the license is not granted.



the applicant shall be entitled to refund of seventy-five dollars (\$75). (The power to license and regulate commercial placement agencies shall not be delegated to any accredited local agency);

(13) The operator of a commercial placement agency shall not have any interest, directly or indirectly, in any boarding home for the aged, sanitarium, rest home, or hospital;

(14) The State Department of Public Health is authorized to adopt rules and regulations governing the operation of commercial placement agencies;

(15) It shall be a misdemeanor for any person to operate a commercial placement agency without first obtaining a license therefor from the State Department of Public Health; it shall also be a misdemeanor for the operator of any commercial placement agency to violate any rule or regulation adopted by the State Department of Public Health. The punishment for violation of either one of the said misdemeanors shall be imprisonment in the county jail for a period up to six months, or by a fine up to the sum of five hundred dollars (\$500), or both;

(16) The license of an operator to conduct a commercial placement agency may be revoked for the violation of the statute, or for violation of any rule or regulation adopted by the State Department of Public Health governing the operation of commercial placement agencies. Such revocation shall only be made after a hearing is held by the State Department of Public Health and due notice of such hearing is given to the operator;

(17) The Director of the State Department of Public Health may bring an action to enjoin the violation or threatened violation of any provision of the statute in the Superior Court, in and for the county in which the violation occurred, or is about to occur. (The committee is not in favor of eliminating the necessity of the director being required to allege facts necessary to show, or tending to show, lack of adequate remedy at law, or to show, or tending to show, irreparable damage or loss.)

Respectfully submitted.

JAMES J. McBRIDE, Chairman  
CHARLES BROWN  
JESSE M. MAYO  
F. L. GORDON  
JESS R. DORSEY  
JOHN F. SHELLEY

#### ADJOURNMENT

At 5.26 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, June 1, 1945.

JOHN F. LEA, Minute Clerk



**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

EIGHTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED FORTY-FIFTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Friday, June 1, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Burns, on motion of Senator Tenney, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Sutton, President of the Vista Irrigation District.

On request of Senator Parkman and Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. A. Corlett, and daughter Susa, of Burlingame.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Donald Black, M.D., of Port Angeles, Washington.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sara Ruddock Cureton of Hayward.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harold Colburn, and Misses Marla and Nan Colburn, of Plymouth.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. L. Hepman.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Steve Compas of Huntington Park, President of the California State Elks Association, and Lloyd Leedham, past Elks D.D.G.E.R., of Long Beach.

On request of Senator Tenney and Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain and Mrs. Raymond V. Darby of Inglewood.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1592**—An act to amend Section 3341 of the Civil Code, relating to animals.

And appointed Messrs. Lowrey, Butters, and Denny as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1023**—An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

And appointed Messrs. Field, Lyons, and Erwin as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 705  
Senate Bill No. 713  
Senate Bill No. 715  
Senate Bill No. 719  
Senate Bill No. 736

Senate Bill No. 737  
Senate Bill No. 740  
Senate Bill No. 741  
Senate Bill No. 742

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 60

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 707  
Senate Bill No. 708  
Senate Bill No. 709  
Senate Bill No. 710  
Senate Bill No. 711  
Senate Bill No. 712  
Senate Bill No. 714  
Senate Bill No. 716  
Senate Bill No. 717  
Senate Bill No. 720  
Senate Bill No. 721  
Senate Bill No. 722  
Senate Bill No. 723  
Senate Bill No. 724

Senate Bill No. 725  
Senate Bill No. 726  
Senate Bill No. 727  
Senate Bill No. 728  
Senate Bill No. 729  
Senate Bill No. 730  
Senate Bill No. 731  
Senate Bill No. 732  
Senate Bill No. 733  
Senate Bill No. 734  
Senate Bill No. 735  
Senate Bill No. 738  
Senate Bill No. 739

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 412  
Assembly Bill No. 705  
Assembly Bill No. 748  
Assembly Bill No. 876  
Assembly Bill No. 1083

Assembly Bill No. 1339  
Assembly Bill No. 1391  
Assembly Bill No. 2155  
Assembly Bill No. 2202

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 412**—An act to amend Section 18901 of the Government Code, relating to eligible lists.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 705**—An act to amend Section 2181 of the Welfare and Institutions Code, and to add Sections 2181.001, 2181.002, and 2181.003 thereto, relating to aid to the aged.

Referred to Committee on Social Welfare.

**Assembly Bill No. 748**—An act to amend Section 130.1 of the Vehicle Code, relating to motor vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 876**—An act to amend Sections 1295, 1296, 1299, 1300, 1395, and 2661 of, to add Sections 1290, 1290.1, 1290.5, 1291.5, 1292, 1293, 1294, 1295.6, 1298, 1298.5, 1301, 1391, 1391.1, 1391.5, 1394 and 1394.5 to, and to repeal Sections 1290, 1292, 1293, 1294, 1298, 1301, 1391 and 1394 of, the Labor Code, relating to employment.

Referred to Committee on Labor.

**Assembly Bill No. 1083**—An act to repeal Section 114 of and to add Section 114 to the Business and Professions Code, relating to the renewal of licenses.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1339**—An act to amend Section 502 of the Vehicle Code, relating to the penalties for driving an automobile while under the influence of intoxicating liquor.

Referred to Committee on Judiciary.

**Assembly Bill No. 1391**—An act to amend Sections 21, 51, 53, 56, 57, 60, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 554, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1460, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332 of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5, to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2155**—An act to repeal Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of the certificate of certified public accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2202**—An act relating to aviation; creating a California Aeronautical Commission, and prescribing the responsibilities and powers of such commission.

Referred to Committee on Governmental Efficiency.



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 804

Senate Bill No. 1289

Senate Bill No. 809

Senate Bill No. 1290

Senate Bill No. 856

Senate Bill No. 1301

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1213

Assembly Bill No. 1045

Assembly Bill No. 2069

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 51

Assembly Bill No. 1714

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 474

Assembly Bill No. 1756

Assembly Bill No. 982

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 48

Senate Bill No. 1297

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, and place on inactive file until Budget Bill has been passed.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 849

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 502  
Senate Bill No. 1279

Senate Bill No. 1209  
Assembly Bill No. 563

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1292  
Assembly Bill No. 977  
Assembly Bill No. 1750

Assembly Bill No. 1753  
Assembly Bill No. 1799

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.  
Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 2, line 21, of the printed bill, as amended, after the comma following "feeding", insert "shearing, caring for, training."

**Amendment No. 2**

On page 2, line 22, of said bill, after "bees", insert ", fur-bearing animals and wildlife".

**Amendment No. 3**

On page 2, line 33, of said bill, after "equipment", insert ", or in salvaging timber or clearing land of brush".

**Amendment No. 4**

On page 2, line 44, of said bill, after "animals", insert ", and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities".

**Amendment No. 5**

On page 2 of said bill, after line 44, insert

"(f) In connection with the production or harvesting of any agricultural commodity, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning

or commercial freezing or commercial packing of dried fruits, dried nuts or dried vegetables, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

Amendments read and adopted.

**Motion to Reconsider**

Senator Jespersen moved to reconsider the vote whereby the committee amendments to Senate Bill No. 615 were adopted.

**Motion to Set Special Order**

Senator Hatfield moved that the motion by Senator Jespersen to reconsider the vote whereby the committee amendments to Senate Bill No. 615 were adopted, and consideration of Senate Bill No. 615, be made a special order of business for Monday, June 4, 1945, at 2.30 p.m., and that amendments offered by Senator Jespersen to Senate Bill No. 615 be printed in the Journal.

Motion carried.

The following amendments were offered by Senator Jespersen, to Senate Bill No. 615:

**Amendment No. 1**

On page 2, line 21, of the printed bill, as amended, after the comma following "feeding", insert "shearing, caring for, training,".

**Amendment No. 2**

On page 2, line 22, of said bill, after "bees", insert ", fur-bearing animals and wildlife".

**Amendment No. 3**

On page 2, line 33, of said bill, after "equipment", insert ", or in salvaging timber or clearing land of brush".

**Amendment No. 4**

On page 2, line 44, of said bill, after "animals", insert ", and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities".

**Amendment No. 5**

On page 2 of said bill, after line 44, insert

"(f) In connection with the production or harvesting of any agricultural commodity, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or the commercial packing of fruits, nuts or vegetables whether fresh or dried, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

**Senate Bill No. 1092**—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### **Amendment No. 1**

On page 1, line 11, of the printed bill, after "approve", insert ", except that either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs."

#### **Amendment No. 2**

On page 1, line 12, of the printed bill, strike out "is", and insert "was".

#### **Amendment No. 3**

On page 1, line 12, of the printed bill, after "work", insert "for such week".

#### **Amendment No. 4**

On page 1 of said bill, strike out line 14; and "secutive", in line 15 and insert "one week."

#### **Amendment No. 5**

On page 1, line 21, of the printed bill, strike out "or the two consecutive weeks".

#### **Amendment No. 6**

On page 2, line 5, of the printed bill, strike out "earned", and insert "been paid".

#### **Amendment No. 7**

In line 1 of the title of the printed bill, after "amend", insert "Section 11 and".

#### **Amendment No. 8**

On page 2 of the printed bill, after line 7, insert

"SEC. 2. Section 11 of the Unemployment Insurance Act is amended to read:

Sec. 11. (a) Except as hereinafter in this section provided, the term "wages" means:

(1) All remuneration [payable] *paid* for personal services, whether by private agreement or consent or by force of statute, including commissions and bonuses, and the cash value of all remuneration [payable] *paid* in any medium other than cash.

(2) If tips or gratuities are customarily received and retained by a worker in the course of his employment from persons other than his employing unit, and if (1) such tips or gratuities, or (2) such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage payable to the worker, then such tips or gratuities shall for the purposes of this act be treated as wages paid by his employing unit.

(3) If the [measurement of the] remuneration of an individual is not based upon a fixed period or duration of time *or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages [earned] for any week or for any calendar quarter for the purpose of computing an individual's right to unemployment benefits only shall be determined in such manner as [the commission may by rule or regulation prescribe] may by authorized regulations be prescribed*. Such [rule or] regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid [on the basis of a weekly rate of pay] *his wages at regular intervals*.

(4) The reasonable cash value of remuneration [payable] *paid* in any medium other than cash shall be determined and the reasonable amount of tips or gratuities may be estimated in accordance with [rules prescribed by the commission] *authorized regulations*.

(b) The term "wages" does not include the actual amount of any required or necessary business expense incurred by an individual in connection with his employment, or, in lieu of the actual amount of such expenses, the reasonably estimated amount allowed therefor in accordance with such [rules or] *authorized regulations as [the commission] may [adopt] be prescribed*.

(c) If, when, and during such time as the definition of the term "wages," as contained in [Title IX of the Federal Social Security Act (or the corresponding provisions of the Internal Revenue Code or any other Federal act into which such definition now is or hereafter may be incorporated)] *the Federal Unemployment Tax Act* excludes from "wages" any one or more of the following types of payments, then such type or types of payments as are *so* excluded shall likewise be excluded from the definition of wages as contained in subsection (a) of this section:

(1) That part of the remuneration which, after remuneration equal to three thousand dollars (\$3,000) has been paid to a worker by an employer with respect to employment during any calendar year, is paid to such worker by such employer with respect to employment during such calendar year;



(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or into a fund, to provide for any such payment), on account of (a) retirement, or (b) sickness or accident disability, or (c) medical and hospitalization expenses in connection with sickness or accident disability [;], (d) or death, *provided the employee (i) has not the option to receive, instead of provisions for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by the employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefits, to assign such benefits, or to receive a cash consideration in lieu of such benefits either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.*

(3) The payment by an employer (without deduction from the remuneration of the employee)

(a) Of the tax imposed upon such employee under Section 1400 of the Federal Internal Revenue Code, or

(b) Of any payment required from such employee under this act.

(4) Dismissal payments which the employer is not legally required to make.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 254**—An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 20, inclusive.

##### Amendment No. 2

On page 1, line 21, of said bill, strike out "4", and insert "3".

##### Amendment No. 3

On page 2 of said bill, between lines 3 and 4, insert

"4. The reasonable cost of removing personal property from the property sought to be condemned a reasonable distance to a new location in the same general locality. In the case of a tenant or other person whose right of occupancy is terminable, such damages shall be limited to the additional cost, if any, of removing personal property proximately caused by the taking of the property for public use prior to the termination of the tenancy or other limited interest."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year state-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

Resolution read.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

##### Amendment No. 1

On page 2, line 10, of the printed measure, strike out "five", and insert "three".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Concurrent Resolution No. 27**—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

In the heading of the printed measure, strike out "Introduced by Senator Collier", and insert "Introduced by Senators Collier and Tenney".

**Amendment No. 2**

On page 3, line 12, of the printed measure, as amended, after "consist of", insert "the President Pro Tempore of the Senate, the Speaker of the Assembly,".

**Amendment No. 3**

On page 3, line 21, of said measure, after the period, insert "The committee shall prepare and submit a preliminary report containing such information and data as then may be available to it to be submitted to the Legislature at any extraordinary session which is convened to act upon postwar problems. In any event, the committee shall prepare and cause to be printed and made available for distribution to the Members of the Legislature and interested persons and organizations such a preliminary report not later than July 15, 1946."

**Amendment No. 4**

On page 3, line 45, of said measure, strike out "8 non-legislative members", and insert "non-legislative members, but which shall include representatives of major statewide public and private agencies and organizations having a primary interest in streets and highways, as may be determined and".

**Amendment No. 5**

On page 3, line 51, of said measure, strike out "Members of the Advisory"; and on page 4, strike out lines 1 and 2.

**Amendment No. 6**

On page 4, lines 6 and 7, of said measure, strike out "and of the Advisory Council,".

**Amendment No. 7**

On page 3, line 12, of the printed measure, strike out "five", and insert "six".

**Amendment No. 8**

On page 3, line 13, of the printed measure, strike out "five", and insert "six".

**Amendment No. 9**

On page 4, line 3, of the printed measure, strike out "fifty thousand dollars (\$50,000)", and insert "one hundred thousand dollars (\$100,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 25, of the printed measure, strike out "five", and insert "four".

**Amendment No. 2**

On page 3, line 5, of said measure, strike out "fifteen thousand dollars (\$15,000)", and insert "twenty thousand dollars (\$20,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 351**—An act to add Article 4.5 to Chapter 9 of Division 2 of the Education Code, relating to the annexation of elementary school districts to union or joint union elementary school districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 480**—An act to add Article 4.5 to Chapter 5 of Division 9 of the Education Code, relating to the exchange of property by school districts of the Public School System.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1082**—An act to add Section 82.5 to the Agricultural Code, relating to boards of directors of district agricultural associations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 82.5 to the Agricultural Code, relating to"; and strike out all of line 2 of the title, and insert "making an appropriation for the encouragement of Agricultural fairs."

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 10, inclusive, and insert

"SECTION 1. The unexpended and unencumbered balance at the close of business June 30, 1945, of the money in the Fair and Exposition Fund heretofore appropriated by the provisions of subdivision (b) of Section 19624 of the Business and Professions Code for the encouragement of fairs is hereby appropriated and shall be considered a part of and available for the same purposes as funds heretofore appropriated during the Ninety-sixth fiscal year under said subdivision of said section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 300**—An act to amend Section 512 of the Agricultural Code, relating to the pasteurization of ice cream.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1280**—An act to amend the chapter heading of Chapter 4 of Division 6 of, and to add Section 1190 to the Agricultural Code, to amend Sections 1191, 1193, 1194, 1195, 1196, 1199, 1200, 1202, 1206 and 1217 of the Agricultural Code, and to repeal Section 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1126**—An act to add to the Welfare and Institutions Code Chapter 4 of Division 3, comprising Sections 2370 to 2374, inclusive, relating to the construction by counties of homes for aged persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1178**—An act to add Section 8002 to the Welfare and Institutions Code, relating to the administration of moneys received for the benefit of the Indians of this State.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1415**—An act to add Sections 2222.5 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2106**—An act to add Section 3044.1 to the Welfare and Institutions Code, relating to aid to the needy blind, and providing for payments to counties by the State in respect to recipients and former recipients confined in county hospitals.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "subdivision (e) of Section 2160", and insert "Section 3044".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1 of the printed bill, strike out line 12; and in line 13 strike out "lative committee)," and insert "legislative session),".

##### Amendment No. 2

On page 1, line 19, of the printed bill, strike out "or that a legislative interim"; and strike out lines 20 to 23, inclusive, and insert a period.

##### Amendment No. 3

On page 2, line 6, of said bill, strike out "When"; and strike out lines 7 to 23, inclusive.

##### Amendment No. 4

On page 3, line 11, of said bill, strike out "or that a legislative"; and strike out lines 12 to 15, inclusive, and insert "it".

##### Amendment No. 5

On page 3, line 16, of said bill, after "time", insert a period.

##### Amendment No. 6

On page 3, line 23, of said bill, strike out "When a legislative committee is"; and strike out lines 24 to 35, inclusive.



**Amendment No. 7**

On page 4, line 2, strike out "or that a legislative interim committee of"; and strike out line 3; and in line 4, strike out "within the next seven days".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Joint Resolution No. 41**—Relative to Indian claims for lands taken from them by the United States without compensation.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2 of the printed measure, as amended, in line 4 strike out "proposed".

**Amendment No. 2**

On page 2, line 11, of said measure, strike out "\$12,650,761.02", and insert "\$12,029,099.64".

**Amendment No. 3**

On page 2, line 12, of the said measure, strike out "\$35,633,248.96", and insert "\$36,395,931.46".

**Amendment No. 4**

On page 2, line 13, of said measure, strike out "\$17,816,624.48", and insert "\$18,579,306.98".

**Amendment No. 5**

On page 2 of said measure, strike out line 25 and insert "patriation of \$5,024,842.34 for the payment of the".

**Amendment No. 6**

On page 2, line 26, of said measure, strike out "when judgment is entered".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 403**—An act to amend Sections 2939 and 2940 of the Civil Code, relating to mortgages.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 406**—An act to repeal Section 4133 of the Political Code, relating to recording of certificate of sale.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2133**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1524**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1657, 1658, 1659, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1661.5, 1662.5, 1664, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 8 of the title of the printed bill, as amended, strike out "to", and insert "or transfer to and discharge from".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1114**—An act to add Section 1034½ to the Code of Civil Procedure, relating to additional costs in unlawful detainer proceedings.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, strike out "to the sheriff", and insert "or pays to the sheriff or marshal".

**Amendment No. 2**

On page 1, line 8, of said bill, after "sheriff", insert "or marshal".

**Amendment No. 3**

On page 1, lines 13 and 14, of said bill, strike out "within five days after receipt of such cost bill to retax such cost", and insert "to retax such costs within five days after service upon him of said cost bill".

**Amendment No. 4**

On page 1, line 16, of said bill, strike out "service of the cost bill", and insert "said service".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 487**—An act to amend Sections 700 and 702 of the Welfare and Institutions Code, relating to the protection of minors, redefining the jurisdiction of the juvenile court and the crime of contributing to the delinquency of a minor, and specifying the powers of the juvenile court in respect thereto.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Sections 700 and", insert "Section".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 31, inclusive.

**Amendment No. 3**

On page 2, line 32, of said bill, strike out "SEC. 2", and insert "SECTION 1".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1169**—An act to amend Section 413 of the Code of Civil Procedure, relating to publication of summons.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "413", and insert "411".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "publication", and insert "service".

**Amendment No. 3**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: To the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the State after diligent search, then to the Secretary of State as provided in Section 373 of the Civil Code, unless the corporation be of a class expressly excepted from the operation of that section.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this State; in the manner provided by Section 406a of the Civil Code.

3. If against a minor, under the age of 14 years, residing within this State: To such minor, personally, and also to his father, mother, or guardian; or if there be none within this State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this State who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: To such person, and also to his guardian.

5. If against a county, city or town: To the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

6. In all cases where a corporation has forfeited its charter or right to do business in this State, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Section 402a of the Civil Code.

7. In an action or proceeding authorized by law against a State board or commission, to the president, chairman, or other head of or to the secretary of said board or commission.

[7.] 8. In all other cases to the defendant personally."

**Amendment No. 4**

On page 1 of said bill, strike out lines 2 to 23, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Assembly Bill No. 972**—An act to add Section 681.2 to the Code of Civil Procedure, relating to cost bills after judgment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 681.2 to", and insert "Sections 1032.5 and 1033½ to and to amend Section 1031 of".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "cost bills", and insert "costs and interest".

**Amendment No. 3**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 1031 of the Code of Civil Procedure is amended to read:

1031. In municipal courts and justices' courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements[, including the costs of any proceedings taken by him in aid of an execution upon any judgment rendered therein]; provided, that where the prevailing party recovers less than the sum of fifty dollars (\$50) principal and interest, the court may, in its discretion, allow or deny costs to such prevailing party, or may allow costs in part in such amount as it may deem proper.

In actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars, the court shall add, as part of the costs, in any judgment recovered by the plaintiff, an attorney's fee not exceeding 20 per cent of the amount recovered.

SEC. 2. Section 1032.5 is added to the Code of Civil Procedure, to read:

1032.5. In superior courts, municipal courts, and justices' courts, the judgment creditor is entitled to the costs and necessary disbursements of proceedings taken by him in aid of an execution upon any judgment rendered therein.

SEC. 3. Section 1033½ is added to the Code of Civil Procedure to read:

1033½. A judgment creditor who asks for a writ of execution to be issued with accrued interest or accrued costs included therein, prior to the issuance of said writ shall file with the clerk of the court, or the justice if there be no clerk, and serve upon the judgment debtor either personally or by mail not later than five days after the issuance of the writ, a cost bill after judgment, setting out the following information:

1. If he claims accrued interest, the computation thereof;
2. If he claims accrued costs, the items of his costs and necessary disbursements after judgment;
3. The items and total of all payments on account and partial satisfactions with the dates thereof, and
4. The net balance then actually due on said judgment.

Said cost bill after judgment shall be verified by the oath of the judgment creditor or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items and statements are correct and that the disbursements have been necessarily incurred in the action or proceeding.

Upon the filing of the cost bill after judgment as herein provided, a writ of execution may be issued including accrued interest and accrued costs.

If a cost bill after judgment has not been filed prior to the issuance of the writ of execution, then the clerk or justice shall strike out of the writ of execution the reference to the amount of accrued interest and accrued costs. The issuance of a writ of execution without the inclusion therein of accrued interest or accrued costs to which the judgment creditor may be entitled shall not prejudice a later claim therefor.

A copy of said cost bill after judgment shall be filed with the officer who executes said writ of execution, otherwise the officer is not required to collect the accrued interest or accrued costs.

A cost bill after judgment need not repeat the items set out in a prior cost bill or bills but may incorporate them by reference.

A judgment debtor dissatisfied with the accrued interest or accrued costs claimed, within five days after the service of a copy of the cost bill after judgment may file a motion to have the costs taxed by the court in which the judgment was rendered, or by the judge or justice thereof at chambers."

**Amendment No. 4**

On page 1 of said bill, strike out lines 2 to 30, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Assembly Bill No. 948**—An act to add Title VIIIa, comprising Sections 1274.1 to 1274.17, inclusive, to Part III of the Code of Civil Procedure, to amend Section 1268 of the Code of Civil Procedure, Section 15 of the Bank Act, and to repeal Section 1273 of the Code of Civil Procedure, relating to the disposition of property actually abandoned and presumed to be abandoned.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1388**—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to taxation of property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 634**—An act to add Sections 17531.5 and 17533.5 to the Business and Professions Code, prohibiting the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Bill read second time, and ordered to third reading.

**Assembly Concurrent Resolution No. 25**—Relative to California, the Pacific, and the postwar world, creating a joint Legislative Committee and defining its powers and duties in respect thereto.

Resolution read:

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 39, of the printed measure, strike out "two", and insert "three".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 779**—An act to amend Section 8006 of the Education Code, relating to the maintenance by a school district of schools and classes outside its boundaries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 782**—An act to amend Section 3129 of the Education Code, relating to elections of members of governing boards of high school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 798**—An act to amend Sections 19071 and 19202 of the Education Code, relating to books and apparatus for school libraries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 809**—An act to add Section 18312 to the Education Code, relating to junior college buildings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1061**—An act to add Section 19312 to the Education Code, relating to the establishment of cafeterias by school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1253**—An act to add Article 3 to Chapter 4 of Division 5 of the Education Code, relating to the granting to veterans of diplomas of graduation from high school.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1490**—An act to add Section 1308 to the Education Code, relating to superintendents, associate superintendents and assistant district superintendents of schools of unified school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1561**—An act to add Section 2537 to, and to repeal Section 2533.1 of the Education Code, relating to adding territory or excluding territory from school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2173**—An act to add Section 4703 to the Education Code, relating to the establishment of classes for educating wards of a juvenile court, to be located outside of the boundaries of a unified school district.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2181**—An act to amend Section 13103 of the Education Code, relating to substitute employees of school districts.

Bill read second time, and ordered to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 812**—An act to amend Section 5005 of the Streets and Highways Code, relating to the definition of "cities" and extending the same to include resort districts formed under the provisions of Division 2 of the California Resort District Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 813**—An act to amend Section 5014 of the Streets and Highways Code, relating to the definition of "streets" and providing that the same shall include ways dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Division 2 of the California Resort District Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Swing, Tenney, Ward, and Weybret—28.

NOES—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 811**—An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereto a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the Board of Directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Swing, Tenney, Ward, and Weybret—27.

NOES—Senators Carter, Donnelly, and Gordon—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 805**—An act to amend Section 35 of the Bank and Corporation Franchise Tax Act, relating to the confidential nature of tax returns.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Dilworth, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—24.

NOES—Senators Carter, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Rich, and Salsman—9.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 804**—An act to amend Section 29 of the Corporation Income Tax Act, relating to the confidential nature of tax returns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, DeLap, Desmond, Dilworth, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

NOES—Senators Carter, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Rich, and Salsman—9.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 809**—An act to amend Sections 19282, 19284, 19286, 19287 and 19288 of the Revenue and Taxation Code, relating to the confidential nature of tax returns.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, DeLap, Desmond, Dilworth, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Ward—24.

NOES—Senators Carter, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, and Salsman—7.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1275**—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of county high school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 991**—An act to amend Section 470 of the Civil Code, relating to railroad franchises and permits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 26**—Relative to the destruction of agricultural crops by wild ducks.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 449**—An act to amend and renumber Sections 629, 630 and 631, of the Fish and Game Code, relating to the closing of lakes or streams to fishing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF JOINT COMMITTEE

SENATE CHAMBER, SACRAMENTO, CALIFORNIA

June 1, 1945

MR. PRESIDENT: The Committee on Rules has appointed Senators Crittenden and Desmond as Members of a Joint Committee to Investigate the Prices of Fresh Fruits authorized under Assembly Concurrent Resolution No. 37.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman



**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Tenney, Parkman, and Quinn as a Senate Committee on Conference concerning Assembly Bill No. 1023 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Powers, Hulse, and Gordon as a Senate Committee on Conference concerning Assembly Bill No. 1592 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**REPORTS OF STANDING COMMITTEES****Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: You Committee on Local Government, to which was referred:  
Assembly Bill No. 1013

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 1181

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Assembly Bill No. 219

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 889

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 154

Senate Concurrent Resolution No. 24

Senate Bill No. 449

Senate Concurrent Resolution No. 40

Senate Bill No. 450

Senate Concurrent Resolution No. 61

Senate Bill No. 1288

And reports the same correctly engrossed.

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

Bill read third time.

## Motion to Amend

Senator DeLap moved the adoption of the following amendments:

## Amendment No. 1

On page 2 of the printed bill, as amended, strike out line 14 and insert "5470. Any city or city and county shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to pre-".

## Amendment No. 2

On page 2, line 30, after the comma and before "maintenance", insert "reconstruction",.

## Amendment No. 3

On page 2, line 31, strike out the period and insert a semicolon and the following "provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

## RECESS

At 12.30 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

## REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Bill No. 450**—An act to add Section 39.2 to the Fish and Game Code, relating to granting of powers to the commission to reduce the bag and possession limits on game fish, birds, or mammals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Deuel, Dilworth, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Swing, and Ward—21.

NOES—Senators Desmond and Salsman—2.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts, declaring the urgency thereof, to take effect immediately.

## Motion to Reconsider Senate Bill No. 479

Pursuant to his motion previously made, Senator DeLap moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 479 was refused passage and the vote whereby the urgency clause was adopted.

## Previous Question

Senator Dillinger moved the previous question.

Motion carried.

The question being on motion to reconsider the vote whereby Senate Bill No. 479 was refused passage.

The roll was called, and Senate Bill No. 479 reconsidered by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

NOES—Senators Desmond and Hatfield—2.

The question being on the motion by Senator DeLap to reconsider the vote whereby the urgency clause was adopted.

The roll was called, and the vote whereby the urgency clause to Senate Bill No. 479 was adopted reconsidered by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—33.

NOES—None.

Senate Bill No. 479 ordered placed on third reading.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 856**—An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

## RECESS

At 2.10 p.m., on motion of Senator Mayo, the Senate recessed to hear the remarks of Senator Donald Black, of the State of Washington.

## REASSEMBLED

At 2.13 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 625**—An act relating to a public works construction program for the prevention of unemployment upon the relaxation of the war effort and during the postwar period of adjustment from a war economy to a peacetime economy, creating therefor the "Postwar Unemployment and Construction Fund" in the State treasury, declaring the policy of the Legislature and prescribing the powers and duties of public officers in respect thereto, and transferring moneys to said fund.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 625?

**Amendment No. 1**

Strike out lines 1 to 10, inclusive, of the title of the printed bill, as amended, and insert

"An act relating to a Public Works Construction Program for the prevention of unemployment upon the relaxation of the war effort and during the postwar period of adjustment from a war economy to a peacetime economy, creating therefore the "Postwar Unemployment and Construction Fund" in the State Treasury, declaring the policy of the Legislature and prescribing the powers and duties of public officers in respect thereto, and transferring moneys to said fund."

**Amendment No. 2**

On page 2, line 12, of the printed bill, as amended, strike out "Funds"; and strike out lines 13 to 25, inclusive.

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 26 to 52, inclusive, and insert

"The Legislature hereby declares that the State has a direct interest in the construction of public works projects and public improvements that will provide employment for citizens released from the armed forces and private enterprise following the relaxation of the war effort, and that the public works projects and public improvements contemplated by this act are in furtherance of its plans to provide employment for its citizens during the period of economic readjustment that will result upon the termination of the war or the substantial diminishing of war production in this State.

**SEC. 2.** The sum of ninety million dollars (\$90,000,000) out of unappropriated moneys in the State Treasury is hereby set aside and transferred in the State Treasury to the Postwar Unemployment and Construction Fund, which fund is hereby created and established. No money shall be expended from or withdrawn from said fund except and only when appropriated by the Legislature for public works projects and public improvements which will provide employment of citizens released from the armed forces following the cessation of war, and which public works projects and public improvements will create employment in various parts of the State and thus prevent and alleviate unemployment in all parts of the State.

**SEC. 3.** The Legislature shall have the exclusive power to allocate, appropriate and provide for the expenditure of all or any part of the fund hereby created for any public works projects or public improvements in which the State shall have an interest, and will aid in preventing or alleviating unemployment in all parts of the State following the cessation of the war."

**Amendment No. 4**

Strike out pages 3 to 9, inclusive, of the printed bill, as amended.

**Amendment No. 5**

On page 10 of the printed bill, as amended, strike out lines 1 to 30, inclusive.



**Amendment No. 6**

On page 10 of the printed bill, as amended, strike out lines 31 to 32, and insert "SEC. 4. The moneys deposited in the "Postwar Unemployment and Construction Fund" shall be invested and reinvested".

**Amendment No. 7**

On page 10, lines 40 and 41, of the printed bill, as amended, strike out "Local Postwar Construction Fund.", and insert "Postwar Unemployment and Construction Fund."

**Amendment No. 8**

On page 10, line 42, of the printed bill, as amended, strike out "21", and insert "5".

**Amendment No. 9**

On page 10 of the printed bill, as amended, strike out lines 46 and 47, inclusive, and insert

"SEC. 6. This act shall be known and may be cited as "The Postwar Unemployment and Construction Act." "

**Amendment No. 10**

In line 6 of the title of the printed bill, as amended, strike out "therefore", and insert "therefor".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 625 by the following vote:

AYES—Senators Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—30.

NOES—None.

Above bill ordered enrolled.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Sutton:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court.

Respectfully submitted.

SENATOR SUTTON

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 1, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Local Government.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnell, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS**

The following bill was introduced, and read the first time:

**Senate Bill No. 1305:** By Senator Sutton—An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court.

Referred to Committee on Local Government.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1288**—An act to amend Section 1295 of the Penal Code, relating to bail and deposits instead of bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1518**—An act to amend Sections 17010, 17107, 17125.5, 17254, 17256, 17310, 17318.4, 17318.5, 17320.7, 17322.5, 17324, 17324.9, 17324.13, 17324.14, 17330, 17333, 17337, 17342, 17343, 17344, 17345, 17346, 17347, 17348, 17349, 17349.5, 17350, 17354, 17506, 17508, 17511, 17513, 17514, 17516, 17521, 17559, 17560, 17560.7, 17561, 17562, 17564, 17677, 17679, 17680, 17682, 17684, 17713, 17714, 17715, 17716, 17716.5, 17721, 17723, 17724, 17747, 17784.5, 17786, 17811, 17812, 17813, 17817, 17951, 17952, 17954, 18103, 18104, 18132, 18135, 18156, 18159, 18163, 18172, 18175, 18401, 18402, 18405, 18431, 18434, 18473, 18474, 18475, 18477, 18478, 18479, 18581, 18582, 18590, 18641, 18643, 18648, 18649, 18651, 18691, 18863, 18864, 18882, 18883, 19053.5, 19055, 19083, 19286 of, and to add Sections 17017.1, 17058, 17059, 17136.1, 17157.1, 17320.9, 17676.1, 17686, 17687, 17725, 17726, 17743.1, 17817.1, 17952.1, 17980.1, 18173.1, 18205.1, 18431.1, 18691.1, 19061.1, 19206 to, and repeal Section 17356, as added by Chapters 47 and 147 of the Statutes of 1943, of the Revenue and Taxation Code, relating to personal income taxes, providing the Personal Income Tax Law shall take effect immediately, repealing the Personal Income Tax Act immediately, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1289**—An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 1301**—An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks secured by agricultural lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 40**—Relative to the creation of a Joint Committee on Insurance Regulation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

## MOTION TO EXCUSE MEMBER

At 3.04 p.m., Senator Brown moved that Senator Weybret be excused for the balance of the legislative day.

Motion carried.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Concurrent Resolution No. 24**—Relating to the creation of a Joint Interim Committee on the Statewide Supervision and Control of the Mentally Deficient in the State, to study, investigate and report on said subject.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1290**—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 599**—An act to add a new section to the Streets and Highways Code, to be numbered 100.7, relating to powers of the Department of Public Works with respect to bridges acquired under the California Toll Bridge Authority Act, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to loans, charges and the establishment of offices and places of business.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 848**—An act to amend Section 1985 of the Code of Civil Procedure, relating to subpoenas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1237**—An act to amend Sections 692 and 693 of the Fish and Game Code, relating to striped bass.

#### Motion to Re-refer Assembly Bill No. 1237

Senator Desmond moved that Assembly Bill No. 1237 be re-referred to Committee on Fish and Game.

Motion carried.

**Assembly Bill No. 1502**—An act to amend Sections 6005, 6006, 6010, 6011, 6012, 6563, 6701, 6901, 6907, and 6935 of the Revenue and Taxation Code and to add Section 6402 to said code all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 130**—An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2169**—An act to add Section 328f to the Civil Code, relating to the transfer of shares of stock or other securities registered in the names of joint tenants.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 29**—An act to amend Sections 6302, 6304, 6305 and 6306 of the Education Code, relating to school district budgets.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—23.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1342**—An act to add Section 35.5 to the State Civil Service Act and Section 18708.5 to the Government Code, relating to exempt positions.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 4 p. m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

#### Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

Time, 4.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 290**—An act to amend Section 4247 of the Political Code, relating to compensation for public service in counties of the eighteenth class.

Bill read third time, and presented by Senator Ward.

The roll was called and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 89**—An act to add Section 29.1 to the Fish and Game Code, relating to bounties on crows.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Desmond, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Rich, Salsman, Seawell, Slater, Tenney, and Ward—21.

NOES—Senators Carter, Deuel, Dillinger, Donnelly, Dorsey, Judah, and Sutton—7.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 57**—Relative to congratulating Stanley Parmisano upon his oratorical ability.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 645**—An act to add Sections 1550.1, 2183.5, 3084.1, and 3476 to the Welfare and Institutions Code, and to repeal Section 2183.9 of said code, relating to the granting of public assistance to former recipients thereof.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 931**—An act to amend Section 6060.6 of the Business and Professions Code, relating to bar examinations, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Kuchel.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 944**—An act to amend Section 3051 of the Civil Code, relating to liens.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 945**—An act to add Section 3066 to the Civil Code, relating to liens for services and storage.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Hulse, Jespersen, Keating, McBride, McCormack, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—21.

NOES—Senators Breed, Dilworth, Donnelly, Gordon, Hatfield, Judah, Kuchel, Salsman, and Sutton—9.

Motion to Reconsider

Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 1879 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1879 was passed, was continued until the next legislative day.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.04 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 500

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 272**—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Section 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Report ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 51	Senate Bill No. 586
Senate Bill No. 217	Senate Bill No. 563
Senate Bill No. 319	Senate Bill No. 1251
Senate Bill No. 460	

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 55	Senate Bill No. 519
Senate Bill No. 57	Senate Bill No. 522
Senate Bill No. 215	Senate Bill No. 525
Senate Bill No. 216	Senate Bill No. 527
Senate Bill No. 260	Senate Bill No. 661
Senate Bill No. 350	Senate Bill No. 1012
Senate Bill No. 419	Senate Bill No. 1241
Senate Bill No. 462	Senate Bill No. 1249
Senate Bill No. 515	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Werdell, Field, and Collins, George D., Jr., as a Committee on Conference concerning:

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Constitutional Amendment No. 35**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Constitutional Amendment No. 35**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article V thereof, relating to the compensation of State officers.

Referred to Committee on Governmental Efficiency.

## RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

**Senate Resolution No. 119**

*Resolved*, That the following named persons be and he is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite his name, beginning Friday, June 1, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Tony Kennedy, page-----	<i>Per day</i> \$3 00
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Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—24.

NOES—None.

By Senator Powers:

**Senate Resolution No. 120**

*Resolved*, That Gail Gordon, heretofore appointed to the position of page at a per diem of \$3.00, be and she is hereby appointed to the position of typist at a per diem of \$5.00, beginning June 3, 1945, payable seven days per week, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount and the Treasurer is hereby directed to pay the same.

Gail Gordon, typist-----	<i>Per day</i> \$5.00
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Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—24.

NOES—None.

By Senator Mayo:

**Senate Resolution No. 121**

Relating to the creation of a Senate committee to investigate and determine a construction program to be embarked upon that will provide employment following the relaxation of the war effort, and defining its powers and purposes

WHEREAS, The Legislature has determined to establish and provide a Postwar Construction Program that will furnish employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort, and has provided for a fund to carry on such construction and has authorized the preparation of necessary plans and specifications and for the doing of the preliminary work necessary to make possible the embarking upon such program immediately following the relaxation of the war efforts; and

WHEREAS, It is desirable that an immediate investigation be made to determine the projects and the construction which will best serve to provide such employment, and which will make available opportunities for employment in all parts of the State; and

WHEREAS, It is necessary that the various State and local agencies authorized to engage in the preparation of plans and specifications and the doing of the preliminary work hereinbefore referred to, have guidance as to the nature and location of the

projects deemed by the Legislature to be best suitable for carrying into effect the intention of the Legislature when authorizing such postwar program; now, therefore, be it

*Resolved by the Senate of the State of California,* That there be and is hereby created a committee of the Senate to investigate and ascertain facts, and determine the nature and location of projects which, in the judgment of such committee, should be included in the Postwar Construction Program; and be it further

*Resolved,* That said committee shall consist of nine Members of the Senate, at least seven of which shall be from the rural districts, which committee shall be appointed by the Rules Committee of the Senate; vacancies occurring or existing in the membership of the committee shall be filled by the appointing power; and be it further

*Resolved,* That the committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the adjournment of the Fifty-seventh Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved,* The committee may do anything which is necessary or desirable to represent the interests of the State or any local agency, district, area, group, or person in the State and to that end may correspond, confer, and cooperate with any agency, officer, or other representative of the United States and for that purpose the committee or any designated member or employee of it may travel either within or without the State; and be it further

*Resolved,* The committee shall from time to time consult, advise and cooperate with the Governor, the various State departments and agencies concerning projects to be included in the Postwar Construction Plan, and shall prepare and submit to the Fifty-seventh Regular Session, or any extraordinary session convened prior to the convening of such regular session, of the Legislature the report of its investigations, findings and recommendations concerning the projects, improvements and constructions which the committee deems suitable for such Postwar Construction Program; and be it further

*Resolved,* The Sergeant-at-Arms of the Senate and other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved,* That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or public district or in this State shall furnish the committee and any sub-committee, upon request,

any and all such assistance, and information, records and documents as the committee or sub-committee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

Referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 351

Senate Bill No. 480

And reports the same correctly engrossed.

SEAWELL, Chairman

##### Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 31, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 2177

Assembly Bill No. 333

Assembly Bill No. 335

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bills ordered to second reading.

##### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 44

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1081

Senator Shelley moved that Senate Bill No. 1081 be withdrawn from Committee on Social Welfare for purpose of amendment and re-referred to committee.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1081**—An act to add Article 10, comprising Sections 150 to 200 to, and to amend Sections 40, 44, 101.9, 102 of the Unemployment Insurance Act, relating to unemployment insurance and establishing a system of unemployment disability insurance.



**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "40" insert ", 41".

**Amendment No. 2**

In line 4 of the title of the printed bill, as amended, insert "within the unemployment insurance system".

**Amendment No. 3**

On page 3 of the printed bill, as amended, beginning on line 10, strike out "hereby continuously", and insert "to be".

**Amendment No. 4**

On page 3 of the printed bill, as amended, after the period in line 23 insert "No money is appropriated or made expendable by this act. That is intended to be done by an act or acts subsequently to be enacted."

**Amendment No. 5**

On page 4, line 3, of the printed bill, as amended, insert "SEC. 170.1. Whenever it appears that the funds on hand in the disability fund are less than one and one-half times the amount of benefits paid during the preceding calendar year, the commission, by appropriate notice, may invoke a contribution rate of 1½ per cent from all workers, in lieu and regardless of any lower rate herein elsewhere prescribed; provided, however, that such rate shall be effective only until the expiration of the next quarter during which the disability fund again becomes equal to or in excess of one and one-half times the amount of benefits paid during the then preceding calendar year."

**Amendment No. 6**

On page 5 of the printed bill, as amended, strike out lines 9 to 13, inclusive, and insert

"Sec. 177. No individual shall be paid disability benefits for any week when such individual because of disability is unable to be present at his place of employment if his employer through a previous employer and employee agreement continues to pay such individual his regular wages or parts thereof; provided, however, that if such payment is less than the disability benefits which would otherwise be due, he shall be entitled to receive for such week if otherwise eligible disability benefits reduced by the amounts of such payment."

**Amendment No. 7**

On page 5 of the printed bill, as amended, beginning on line 42, insert "SEC. 179.2. Except as provided in Section 177.1 of this article, the commission shall require in every case that the first claim for disability benefits during each interrupted period of disability be supported by the certificate of a physician as to the mental or physical condition of the claimant."

**Amendment No. 8**

On page 6 of the printed bill, as amended, after line 22, insert "Sec. 183. For the purpose of administering the system of disability unemployment insurance established by this article, the commission may employ, subject to Article XXIV of the Constitution and the State Civil Service Act, such licensed physician and surgeon personnel and other technical and clerical personnel as may be necessary."

**Part 8. Miscellaneous**

Sec. 200. All fines collected for violations of the provisions of this article shall be paid one-half into the State Treasury to the credit of the Disability Fund, and one-half to the Treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

Sec. 2. Section 40 of said act is amended to read:  
Sec. 40. The commission shall keep separate records of the amounts paid into the fund by each employer in his own behalf, or chargeable to him as benefits; but nothing in this chapter shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions [together with the employee contributions] shall be pooled and available to pay benefits to any employee entitled to benefits under the provisions of this chapter regardless of the source of such contributions.

SEC. 3. Section 44 of said act is amended to read:

Sec. 44. (a) Beginning on [January 1, 1936] *June 1, 1945*, each worker, employed by one employer subject to this act, shall contribute to the *disability fund established by Article 10 of this act*. [one-half of] 1 per cent of his wages paid by an employer with respect to employment; [and beginning on January 1, 1937, nine-tenths of 1 per cent of such wages and on and after January 1, 1938, and after his employer has satisfied the conditions set forth in this act with respect to becoming an employer, 1 per cent of such wages; except that the rate of contributions required of a worker shall not in any year exceed 50 per cent of the general rate required of employers.] Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his pay roll records, shall furnish each worker with a statement in writing showing the amount which has been deducted, in such form and at such times as [the commission may prescribe, and shall transmit all such contributions to the fund, in addition to his own contributions, pursuant to regulations of the commission.] *may be prescribed, and shall transmit all such contributions to the fund, in addition to his own contributions, pursuant to authorized regulations.*

(b) Contributions by workers, payable to the commission as herein provided, shall be exempt from garnishment, attachment, execution or any other remedy for the collections of debts, and in the event of the insolvency or bankruptcy of the employer such contribution shall not be considered any part of the assets of the employer and shall be paid to the commission prior to the payment of any other claim against such employer.

(c) Each employer shall be liable for any and all contributions required to be made by his workers on account of wages paid to them by such employer regardless of whether or not such employer shall have made a deduction on account thereof from the workers' wages at the time such wages were paid; provided, however, that no employer shall be liable for contributions required on behalf of himself or of any of his employees with respect to wages payable or paid, as the case may require, while there is in effect at the time such wages became payable or were paid (whichever time is the time for determining contribution liability) a rule or regulation or interpretation of the commission or of the department that such wages were not subject to contributions imposed by this section. [As used in this act, except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.]

(d) The commission or the department may prescribe the extent, if any, to which any rule, regulation or interpretation issued or promulgated in accordance with the provisions of this act shall be applied without retroactive effect.

SEC. 4. Section 101.9 of said act is amended to read:

Sec. 101.9. Any employing unit, including any individual member of a partnership employing unit, and any officer of a corporate employing unit having knowledge thereof, which withholds the deductions required by Section 44 of this act from remuneration paid to its workers, and wilfully fails or is financially unable to pay such deductions to the [unemployment] *disability fund* before the date on which the same become delinquent shall be guilty of a misdemeanor.

SEC. 5. Section 102 of said act is amended to read:

Sec. 102. All fines collected for violations of the provisions of *Articles 1 to 9, inclusive* of this act shall be paid one-half into the State treasury to the credit of the Unemployment Fund, and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

SEC. 6. Section 41 of the Unemployment Insurance Act is amended to read:

Sec. 41. (a) The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals.

(b) *Except as provided in subdivision (c) of this section* [Benefits] *benefits* paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base period. [The maximum amount of benefits payable under this act and chargeable against such employer's accounts shall not be in excess of four hundred sixty-eight dollars (\$468) for any one individual in any one benefit year.]

*(c) Seventy-three (73) per cent of benefits paid on or after July 1, 1945 to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period: provided, that if such individual performed services in employment for more than one employer during his base period, seventy-three (73) per cent of the benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base period. The provisions of this subsection, however, shall be applicable only if and when the accumulated total amount of worker contributions paid into the Unemployment Fund pursuant to Section 44 of this act in respect to employment with an employer, exceeds twenty-seven (27) per cent of the benefits which are chargeable under this subsection to such employer's account at the rate of seventy-three (73) per cent; otherwise the provisions of subsection (b) shall be applicable."*

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

#### ADJOURNMENT

At 5.12 p.m., on motion of Senator McBride, the President declared the Senate adjourned until 10 a.m., Saturday, June 2, 1945.

JOHN F. LEA, Minute Clerk





**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

EIGHTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED FORTY-SIXTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Saturday, June 2, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—33.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leave of absence for the day:

Senator Weybret, on motion of Senator Brown, account of legislative business.

Senator Collier, on motion of Senator McBride, account of legislative business.

Senator DeLap, on motion of Senator Jespersen, account of legislative business.

Senator Burns, on motion of Senator Seawell, account of legislative business.

Senator Cunningham, on motion of Senator Seawell, account of legislative business.

Senator Parkman, on motion of Senator Seawell, account of legislative business.

Senator Shelley, on motion of Senator Seawell, account of legislative business.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

Sacramento 14, May 31, 1945

*To the Honorable Members of the Senate,  
State of California,  
Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

**Senate Bill No. 989**, entitled: "An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act."

My objections to this bill are as follows:

This bill seeks to exclude from unemployment insurance, insurance agents other than debit or rewrite agents, if all services are performed for commissions only. This bill would serve no useful purpose inasmuch as the commission has by rule excluded the same class of employees as would be excluded by statute if this bill should become law. Should this bill be approved it would be an open invitation to place more and more employees on a commission basis and to seek to exclude such employees from unemployment insurance coverage on the precedent of this proposed exclusion. This is contrary to the spirit of unemployment insurance and should not be encouraged.

This protection should eventually be expanded to include all employees, and rather than finding exclusions from the beneficial coverage of this act, attempt should be made to find means of expanding its protection.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 989 ordered placed on unfinished business file.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Hatfield moved that Senate Bill No. 608 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Hatfield moved that Senate Bills Nos. 268, 331, and 835 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Biggar moved that Senate Bill No. 154 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Senate Bill No. 1291 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Desmond moved that Senate Bill No. 381 be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill No. 1213**—An act to amend Section 737hh of the Political Code, relating to the salaries of the judges of the Superior Court in the County of Sacramento.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 48**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "Three Hundred Thousand Dollars (\$300,000.00)", and insert "One Hundred and Fifty Thousand Dollars (\$150,000.00)".

Amendment read and adopted.

Bill ordered printed, and to inactive file.

**Senate Bill No. 1297**—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 3 of the printed bill, between lines 3 and 4, insert "No refund in cash shall be made pursuant to this act unless application therefor is made within four years after the effective date of this act."

Amendment read and adopted.

Bill ordered printed, and to inactive file.

**Senate Bill No. 849**—An act to add Section 5009 to the Education Code, relating to audits and making an appropriation to the Department of Finance therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 20, of the printed bill, as amended, after "State", insert ", or the Department of Finance may accept a grand jury audit if the report covering such audit contains such statements and information as may be prescribed by the Department of Finance".

**Amendment No. 2**

On page 2 of said bill, as amended, between lines 2 and 3, insert "Nothing in this section shall be construed as authorizing the Department of Finance to examine into or report on the curriculum used or provided for in any school district."

**Amendment No. 3**

On page 2, line 4, of the printed bill, as amended, strike out "fifty".

**Amendment No. 4**

On page 2, line 5, of said bill, as amended, strike out "150,000", and insert "100,000".

Amendments read and adopted.

**Further Amendments to Senate Bill No. 849****Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, after "therefor", insert ", to take effect immediately."

**Amendment No. 2**

On page 2 of said bill, following line 7 insert  
"SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 502**—An act to add Section 376c to the Political Code and Section 15003 to the Government Code, relating to the deputy director of the Department of Justice.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 376c to the Political Code and".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 8, inclusive.

**Amendment No. 3**

On page 1, line 9, of said bill, strike out "SEC. 2.", and insert  
"SECTION 1."

**Amendment No. 4**

On page 1, line 14, of said bill, strike out "ten thousand dollars (\$10,000)", and insert "seven thousand five hundred dollars (\$7,500)".

**Amendment No. 5**

On page 1 of said bill, strike out lines 17 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1279**—An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:



**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, after "Section", insert "21 of the Agricultural Code, Sections 151 and".

**Amendment No. 2**

In line 2 of the title of said bill, after "Code", insert "Section 10204 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, and Section 10 of the Public Utilities Act,".

**Amendment No. 3**

In line 2 of the title of said bill, strike out "the Real Estate Commissioner", and insert "State officers, their qualifications and salaries".

**Amendment No. 4**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 21 of the Agricultural Code is amended to read:".

**Amendment No. 5**

On page 1 of said bill, between lines 1 and 2, insert

"21. The department shall be conducted by an executive officer known as the Director of Agriculture. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary of [seven thousand two hundred dollars (\$7,200)] *nine thousand dollars (\$9,000)* per annum. Before entering upon the duties of his office, the director shall execute an official bond in the sum of twenty-five thousand dollars (\$25,000).

SEC. 2. Section 151 of the Business and Professions Code is amended to read:

151. The director is appointed by the Governor and holds office at the Governor's pleasure. He shall receive a salary of [seven thousand five hundred dollars (\$7,500)] *eight thousand dollars (\$8,000)* per annum, and his necessary traveling expenses. He shall execute and furnish to the State of California an official bond in the sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties.

SEC. 3. Section 10055 of the Business and Professions".

**Amendment No. 6**

On page 1, lines 6 and 7, of said bill, strike out "ten thousand dollars (\$10,000)", and insert "nine thousand dollars (\$9,000)".

**Amendment No. 7**

On page 1 of said bill, after line 10, insert

"Sec. 4. Section 10204 of the Government Code is amended to read:

10204. The annual salary of the Legislative Counsel is [seven thousand five hundred] *ten thousand dollars (\$10,000)*. The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

SEC. 5. Section 13101 of the Health and Safety Code is amended to read as follows:

13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. *In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State.* He shall be paid a salary of [four] *six thousand [eight hundred] dollars [(\$4,800)] (\$6,000)* per annum [payable out of the State Fire Marshal's Fund].

SEC. 6. Section 21 of the Corporate Securities Act is amended to read:

SEC. 21. There is hereby created the Division of Corporations. The chief officer of such division shall be the Commissioner of Corporations. He shall be appointed by the Governor and hold office at the pleasure of the Governor. He shall receive an annual salary of [seven thousand five hundred] *nine thousand dollars (\$9,000)*, to be paid monthly out of the [Corporation Commission] *General Fund* in the State Treasury upon a warrant of the Controller. He shall within 15 days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the Secretary of State and execute to the people of the State a bond in the penal sum of ten thousand dollars (\$10,000) with corporate security of two or more sureties, to be approved by the Governor of the State, for the faithful discharge of the duties of his office.

SEC. 7. Section 10 of the Public Utilities Act is amended to read:

Sec. 10. (a) The annual salary of each commissioner shall be [eight thousand (8,000) dollars] *nine thousand dollars (\$9,000)*. All officers, experts, engineers, statisticians, accountants, examiners, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners shall be civil executive officers and their salaries as fixed by law shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every person employed by the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the Board of Control.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, and their employees, incurred while on business of the commission, and including the premium or charge for bonds given by surety companies for employees of the commission when required by the commission; provided, however, that no such premium or charge shall exceed one-half of 1 per cent per annum of the amount of such bond, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the Board of Control."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1209**—An act to amend Section 19561 of, and to add Sections 19490 and 19539 to, the Business and Professions Code, relating to horse racing.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 19561", and insert "Sections 19561, 19620, and 19627".

#### Amendment No. 2

In line 3 of the title of said bill, between "racing" and the period insert "and harness racing".

#### Amendment No. 3

On page 1, line 3, of said bill, between "19490.", and "Whenever", insert "In order to encourage and develop harness racing,".

#### Amendment No. 4

On page 1, line 6, of said bill, after "shall", insert ", so far as practicable,".

#### Amendment No. 5

On page 2 of said bill, after line 12, insert

"Sec. 4. Section 19620 of the Business and Professions Code is hereby amended to read:

19620. [All] Fees, commissions, and other moneys received by the board, except that part of the license fee required by Section 19485 in excess of 4 per cent of the gross amount of money handled in the pari-mutuel pool[s.] shall be paid into the [State] treasury [immediately upon receipt] and credited to a special fund hereby continued in existence, known as the "Fair and Exposition Fund."

SEC. 5. Section 19627 of the Business and Professions Code is amended to read: 19627. All of the license fee for conducting a horse racing meeting not payable into the Fair and Exposition Fund under this article shall [immediately] be paid into the General Fund in the State Treasury."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1292**—An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1181**—An act to amend Sections 178, 179, 188, 330, 333, 417, 432, 434, and 510 and to repeal Sections 184, 185, 186, 190, 191, 192, 331, 332 and 435 of the Military and Veterans' Code, relating to military property.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "179", and "330", and following "333", insert "415"; in line 2 of the title, following "Sections", insert "179", and following "191", insert "and"; in line 3 of the title, strike out "331, 332 and 435".

##### Amendment No. 2

On page 1, line 4, of the printed bill, strike out "shall", and strike out lines 5 to 13, inclusive, and insert "may, with the approval of the Department of Finance, be sold, destroyed, or otherwise disposed of by the Adjutant General. All proceeds shall be remitted to the State Treasury and credited to the General Fund."

##### Amendment No. 3

On page 1, line 14, of the printed bill, following "is", strike out rest of line; and lines 15 to 22, inclusive, and insert "repealed".

##### Amendment No. 4

On page 2 of said bill, strike out line 19; and in line 20 strike out "duty", and insert "except as otherwise provided in this act all claims".

##### Amendment No. 5

On page 2 of said bill, strike out lines 24 to 31, inclusive.

##### Amendment No. 6

On page 3, line 10, of the printed bill, following "SEC.", strike out "5", and insert "4".

##### Amendment No. 7

On page 3, line 20, of the printed bill, following "SEC.", strike out "6", and insert "5"; and following "Section", strike out "417", and insert "415"; strike out lines 21 to 24, inclusive, and insert

"415. If the commanding officer of the organization charged does not concur in the finding of the surveying officer, then the value of lost or destroyed property and the person or command to be charged therewith shall be determined by a board consisting of the commanding officer of the organization in which such property is lost and two disinterested officers not below the grade of major appointed by the Adjutant General. A decision of a majority of the board so constituted shall be final."

##### Amendment No. 8

On page 3 of the printed bill, strike out lines 28 to 45, inclusive.

##### Amendment No. 9

On page 3, line 46, of the printed bill, following "SEC.", strike out "8", and insert "7"; and on line 49, following "armories", insert "and where appropriations have been made therefor, may purchase or lease real estate for armory or storage purposes."

##### Amendment No. 10

On page 4, line 7, of the printed bill, following "SEC.", strike out "9", and insert "8".

##### Amendment No. 11

On page 4, line 19, of the printed bill, following "SEC.", strike out "10", and insert "9"; and following "192", strike out rest of line.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 889**—An act to repeal an act entitled "An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately," approved May 27, 1943, and to declare the urgency thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 6 of the title of the printed bill, following the comma, after "1943", insert "making an appropriation,".

##### Amendment No. 2

On page 1, line 3, of the printed bill, strike "remaining unused on July", and insert "for which application has not been filed on September".

##### Amendment No. 3

On page 1 of the printed bill, following line 4, insert "Sec. 2. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of five thousand dollars (\$5,000.00) to be expended by the Department of Finance during the Ninety-seventh and Ninety-eight Fiscal Years in completing agreements and transactions heretofore entered into in connection with the act hereby repealed."

##### Amendment No. 4

On page 1, line 5, of the printed bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 44**—An act to amend Section 44.1 of the Vehicle Code, relating to privately owned authorized emergency vehicles.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "marshal, deputy marshal, constable, or deputy sheriff", and insert "deputy sheriff, or constable, or by a marshal or deputy marshal of a municipal court,".

##### Amendment No. 2

On page 1, lines 15 and 16, of said bill, strike out "Director of the Department of Motor Vehicles", and insert "Chief of the California Highway Patrol".

##### Amendment No. 3

On page 2, line 1, of said bill, strike out "or deputy sheriff," and insert "deputy sheriff, or member of a municipal police department,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1045**—An act to repeal Section 3714 of the Political Code and to add Sections 3714 to 3714.26, inclusive, to said code, all relating to county budgets, declaring the urgency thereof to take effect immediately.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 2069**—An act to amend Section 4087b of the Political Code, relating to money remaining unclaimed in the treasury of any city, county, or city and county.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 51**—An act to amend Section 10 of, and to add Sections 10a and 10b to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-half class.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "eight"; and in line 9, strike out "thousand five hundred dollars (\$8,500)", and insert "ten thousand dollars (\$10,000)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1714**—An act to amend Section 737uu of the Political Code, relating to the salary of the judge of the superior court in counties of the thirty-first class.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 737uu", and insert "Sections 737ii and 737uu".

##### Amendment No. 2

In lines 2 and 3 of the title of said bill, strike out "salary of the judge of the superior court in counties of the thirty-first class.", and insert "salaries of judges of the superior courts of San Benito and Siskiyou Counties, respectively."

##### Amendment No. 3

On page 1 of said bill, after line 5, insert  
"SEC. 2. The annual salary of the judge of the Superior Court in and for the County of San Benito is [six] seven thousand dollars [\$6,000] (\$7,000)."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 474**—An act to amend Section 737a of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Alameda.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1756**—An act amending Section 4300a of the Political Code, relating to fees of county clerks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 982**—An act to add Section 204f to the Code of Civil Procedure, relating to secretaries of the superior court and fixing salaries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 563**—An act to amend Section 438 of the Political Code and Section 12400 of the Government Code, both relating to the salary of the Controller.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 438 of the Political Code and Section", and insert "Sections 12100, 12150, 12300, and".

#### Amendment No. 2

In lines 2 and 3 of the title of said bill, strike out ", both relating to the salary of the Controller", and insert "and Section 141 of the Education Code, relating to the salaries of State officers".

#### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert "SECTION 1. Section 12100 of the Government Code is amended to read: 12100. The annual salary of the Lieutenant Governor is [four] *six* thousand dollars (\$6,000).

SEC. 2. Section 12150 of the Government Code is amended to read: 12150. The annual salary of the Secretary of State is [five] *seven* thousand *five* hundred dollars (\$7,500).

SEC. 3. Section 12300 of the Government Code is amended to read: 12300. The annual salary of the State Treasurer is [five] *seven* thousand *five* hundred dollars (\$7,500)."

#### Amendment No. 4

On page 1, line 7, of said bill, strike out "2", and insert "4".

#### Amendment No. 5

On page 1, lines 9 and 10, of said bill, strike out "ten thousand dollars (\$10,000)", and insert "nine thousand dollars (\$9,000)".

#### Amendment No. 6

On page 1 of said bill, strike out lines 11 to 16, inclusive, and insert "SEC. 5. Section 141 of the Education Code is amended to read: 141. The annual salary of the Superintendent of Public Instruction is [the same as that of the Secretary of State, namely five thousand dollars (\$5,000)] *seven* thousand *five* hundred dollars (\$7,500). He shall execute an official bond in the sum of ten thousand dollars (\$10,000)."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 977**—An act to amend Section 18711 of the Government Code relating to affiliations by the State Personnel Board.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1750**—An act to add Section 19399 to the Government Code, relating to employees returning from military service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1753**—An act to amend Section 19390 of, and to add Section 19401 to, the Government Code, relating to persons in military service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1799**—An act to add Section 19400 to the Government Code, relating to employees reinstated after military leave.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1013**—An act to amend Sections 2, 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, in Assembly May 18, 1945, strike "2."

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 4, inclusive.

**Amendment No. 3**

On page 1, line 5, of said bill, strike out "SEC. 2.", and insert "SEC. 1."

**Amendment No. 4**

On page 3, line 13, of said bill, strike out "SEC. 3.", and insert "SEC. 2."

**Amendment No. 5**

On page 3, line 29, of said bill, strike out "SEC. 4.", and insert "SEC. 3."

**Amendment No. 6**

On page 3, line 39, of said bill, strike out "SEC. 5.", and insert "SEC. 4."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 219**—An act to amend Section 987 of the Military and Veterans Code, relating to veterans' farm and home loans.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2177**—An act to add Section 222.5 to, and to amend Section 225 of, the Labor Code, relating to the requirement by employers of the payment by employees or applicants or prospective employees, or the deduction from their compensation, of fees or costs of medical or physical examinations, as a condition of employment, and providing penalties for violation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 333**—An act to amend Section 226 of the Labor Code, relating to wages.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 335**—An act to repeal Section 1100 of the Labor Code, relating to political affiliations of employees.

Bill read second time, and ordered to third reading.

**MOTION TO CONSIDER ASSEMBLY BILLS**

At 10.16 a.m., Senator Seawell moved that the Senate at this time refer to the Assembly third reading file for the purpose of considering Assembly Bills.

Motion carried.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 10.24 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 904**—An act to amend Sections 293, 315 and 316 of, to repeal Section 307 of, and to add Section 307 to, the Vehicle Code, relating to suspensions and revocations.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, and Swing—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 60**—Relative to inviting General George S. Patton to address the California Legislature.

Resolution read, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Quinn, Salsman, Seawell, Slater, and Swing—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 2166**—An act to amend Section 8653 of the Health and Safety Code, relating to family interment plots.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Quinn, Salsman, Seawell, Slater, Sutton, and Swing—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.



## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 1, 1945

*To the Honorable Members of the Senate, State of California  
Sacramento, California*

GREETINGS: In my Biennial Message of January 8, 1945, I set forth some of the reasons which led me to recommend that action be taken at this session of the Legislature to bring adequate medical care more easily within the reach of average families by applying the prepayment principle contained in Assembly Bill No. 800.

This bill was tabled by the Public Health Committee of the Assembly, and on April 10th a motion to withdraw the bill from committee was lost by a vote of 39 to 38.

It is still my firm conviction that the rapid growth of our State, together with a proper concern for the improvement of the living conditions of our people in the postwar years, impose a responsibility for taking action now designed to correct as far as we possibly can one of the most serious defects in our modern life.

There is now in the Public Health Committee of the Assembly a proposal to provide a prepayment program limited to the field of hospitalization. Such a program affords an opportunity for substantial progress along these lines without the necessity for immediately resolving a great deal of the controversy raised by the more comprehensive features of Assembly Bill No. 800.

We know from experience that out of every 1,000 persons in the population about 105 will need and use a hospital in any given year. No family can tell from day to day whether or not, or when, or how often, some member of the family will fall within this group.

This unpredictability, coupled with the increasingly elaborate and expensive nature of hospital service, constitutes a real risk, and too often a real disaster, for ordinary families.

Legislation within the principle of pending Assembly Bill No. 2201 would spread this risk among more than 2,000,000 employed persons in the State by means of a pay roll contribution of one-half of 1 per cent and a similar contribution by their employers.

This would provide a prepayment system for these employees and their dependents—a total of more than 4,000,000 people—whereby they would be assured payment for hospitalization expenses for a period of 30 days for each disability, including maternity hospital care. This 30-day period of hospitalization would cover about 98 per cent of all hospital cases within the covered group.

Hospitalization would, of course, be on the direction of the beneficiary's own physician in a hospital of the beneficiary's own choice. Beneficiaries would have the right to make their own arrangements for more expensive hospital accommodations than those provided for in the act by payment of the difference in rates.

Not only the urban areas of California, but the rural areas as well, lack adequate facilities for the hospitalization needs of our people. This deficiency will be emphasized in the postwar years when our State will have a population increased by more than a million and a half, including about 800,000 California veterans of the armed forces.

A stimulus is needed for the development and expansion of our hospitals, and such stimulus can be provided by assuring our hospitals, particularly our splendid private hospitals, an income sufficient to justify not only the continuance but the enlargement of their important services.

These hospitals have already recognized the economic problem involved and have tried to solve it by such methods as the Blue Cross. Hospital prepayment legislation will eliminate most of the difficulties that have been encountered in these efforts and that have thus far prevented a comprehensive solution. Continued utilization of existing insurance plans is most desirable in any program.

Pending in the Congress at the present time is legislation to make millions of dollars in Federal money available on a matching basis for hospital planning and development on the State level. California should be prompt to place itself in a position to take advantage of this opportunity.

Unless steps are taken to break down the economic barrier between the family and the hospital, future expansion will undoubtedly be in the direction of public hospitals and staffs. This will tend to the growth of the very kind of State medicine we are trying to avoid.

Legislation of the kind to which I have referred can be made a means of encouraging high standards of hospitalization as well as a greater use of hospital facilities by our people.

It is my hope that the Legislature will be able without great difficulty to examine and, if necessary, improve the pending proposal in order to accomplish these objectives.

Sincerely,

EARL WARREN, Governor

Message read, and ordered printed in the Journal.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 537**—An act to amend Section 4041.11 of the Political Code, relating to the powers of boards of supervisors.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, and Swing—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1463**—An act to amend Sections 653.1, 653.3, 653.6, 653.7 and 653.9 of the Civil Code, all relating to cooperative corporations.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, and Swing—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1123**—An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, and Swing—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, and Swing—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 1570**—An act to amend Sections 6854, 6855, 6857, 6860, 6861, 6862, 6863, 6864, 6865, 6871, 6876, 6877, 6878, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6950, 6951, and 6956, and to add Sections 6866 and 6947, and to amend and renumber Sections 6866 and 6867, and to renumber Sections 6939 and 6940, and to repeal Section 6944 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Seawell, Slater, Swing, and Tenney—25.

NOES—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1724**—An act to amend Sections 4, 10, 11 and 12, of, and to add Section 11.1 to, an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, firewardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemen's pension system.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 336**—An act to amend Sections 764 and 862.16 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of city councils in cities of the fifth and sixth class.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1386**—An act to add Section 88.6 to the Agricultural Code, relating to the exercise of the power of eminent domain by district agricultural associations.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—26.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 780**—An act to amend Section 737p of the Political Code, relating to the salary of judges of the Superior Court in and for the County of Kings.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 452**—An act adding Section 11.1 to, and amending Section 10.5 of, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to retirement.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 911**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendment:

**Amendment No. 1**

On page 5 of the printed bill, strike out lines 25 to 29, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 912**—An act to amend Sections 4, 6, 8, 9, 11, 12, 13, 13½, 17, 20, 21, 24, 25, 27, 28, and 30 of, and to add one new section to be numbered 14.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator Breed.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 913**—An act to amend Sections 2, 4, 6, 7, 8, 9, 11, 12, 15, 17, 18, 19, 19.1, 20, 21, and 23 of, and to add one new section to be numbered 14.1 to, the Corporation Income Tax Act relating to the levy and collection of taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 914**—An act to amend Section 18682 of, and to add Sections 17324.17, 18165, 18166, and 18167 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act take effect immediately.

Bill read third time, and presented by Senator Breed.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 393**—An act to add Chapter 11 to Division 2 of of the Streets and Highways Code, relating to the naming of streets and highways and the creation of a house-numbering system in unincorporated territory.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 749**—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1209**—An act to amend Section 705 of the Vehicle Code, relating to weight limitations.

Bill read third time, and presented by Senator McCormack.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 902**—An act to amend Sections 331 and 338 of, and to add Section 339 to the Vehicle Code, relating to drivers' licenses.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1294**—An act to amend Section 951 of the Fish and Game Code, relating to trawl nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1295**—An act to amend Section 953 and to repeal Section 958 of the Fish and Game Code, relating to use of trawl nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1296**—An act to amend Section 959 of the Fish and Game Code, relating to dip nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1298**—An act to repeal Section 950 of the Fish and Game Code, relating to halibut nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1299**—An act to amend Section 900 of the Fish and Game Code, relating to trammel nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1300**—An act to amend Section 920 and to repeal Section 926 of the Fish and Game Code, relating to round haul nets.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1364**—An act to amend Section 40 of the Fish and Game Code, relating to county game wardens.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2004**—An act to add Section 450.5 to the Fish and Game Code, relating to goggle fishing.

Bill read third time, and presented by Senator Fletcher.

**Previous Question**

Senator Seawell moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 2004.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Salsman, Seawell, Sutton, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 29**

Senator Tenney moved that the Senate rescind its action of June 1, 1945, whereby Assembly Bill No. 29 was passed.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

**MOTION TO RETURN ASSEMBLY BILL NO. 29**

Senator Tenney moved that the Assembly be requested to return Assembly Bill No. 29 to the Senate for further consideration.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.30 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**RECESS**

At 12.32 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.



## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 24

Senate Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 21

Assembly Bill No. 57

Assembly Bill No. 173

Assembly Bill No. 662

Assembly Bill No. 700

Assembly Bill No. 736

Assembly Bill No. 956

Assembly Bill No. 1156

Assembly Bill No. 1208

Assembly Bill No. 1213

Assembly Bill No. 1401

Assembly Bill No. 1629

Assembly Bill No. 1855

Assembly Bill No. 2193

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 21**—An act to amend Sections 6304, 6344, and 6365 of the Business and Professions Code, and to add Section 6348.1 thereto, relating to county law libraries and boards of trustees thereof.

Referred to Committee on Local Government.

**Assembly Bill No. 57**—An act to repeal Section 469 and to amend Section 362 of the Streets and Highways Code, relating to highways.

Referred to Committee on Transportation.

**Assembly Bill No. 173**—An act to amend Section 3700 of the Political Code, relating to the salaries and duties of the member of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 662**—An act to add Section 64.4 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 700**—An act to amend Section 432.6, and to repeal Sections 990.2, 990.3, 990.4, 990.5, 990.6, and 990.7 of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game.

**Assembly Bill No. 736**—An act to amend Sections 19153 and 19154, relating to elementary school district library funds.

Referred to Committee on Education.

**Assembly Bill No. 956**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Referred to Committee on Education.

**Assembly Bill No. 1156**—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1208**—An act to amend Section 1299.1 of the Agricultural Code, relating to milk and milk products.

Referred to Committee on Agriculture.

**Assembly Bill No. 1213**—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1401**—An act to amend Sections 737c, and 737i of the Political Code, relating to judges' salaries.

Referred to Committee on Local Government.

**Assembly Bill No. 1629**—An act to add Section 5157.5 to the Public Resources Code, relating to beach erosion work.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1855**—An act to amend Section 583 of the Code of Civil Procedure, relating to dismissal of actions.

Referred to Committee on Judiciary.

**Assembly Bill No. 2193**—An act to add Article 10 to Chapter 1 of Division 5 of the Education Code, relating to courses of study.

Referred to Committee on Education.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 49**—Relative to commending the general intent and purposes of the Servicemen's Readjustment Act of 1944 and urging early enactment by Congress of pending legislation to remedy incidental defects in said act and to remove initial administrative difficulties thus far encountered.

Referred to Committee on Military and Veterans Affairs.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 11**—An act to add Section 957.5 to the Fish and Game Code, relating to the use of nets.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1430**—An act to repeal Section 31.5 of the Fish and Game Code, relating to powers of the commission.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 2.16 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 2.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

Chief Assistant Secretary Cleve V. Taylor at the Desk

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1318**—An act to amend Section 4061 and to repeal Section 385 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—26.

NOES—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1320**—An act to amend Sections 1584 and 1591 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1321**—An act to amend Sections 1649, 1652, 1678, 1679, 1691, 1691.3, 1706, 1708, 1709, 1720.1, 1808, 1810.5, 1810.7, and 1811 of the Insurance Code, to repeal Section 1708.6 of the Insurance Code, to add Sections 1678.5, 1679.1, 1690.4, 1708.7, 1709.1, 1807.7, and 1831.95 to the Insurance Code and to add to Chapter 5, Part 2, Division 1 of said code a new article to be numbered 3.5 comprising Section 1740; all relating to insurance.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1323**—An act to amend Sections 1691, 10310, 10333, 10334, 10339, and 10343 of the Insurance Code, and to add to Chapter 4, Part 2, Division 2 of the Insurance Code a new article to be numbered 2.5 and to be comprised of a new section numbered 10295, all relating to insurance,

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1324**—An act to add Section 10331.5 to the Insurance Code and to amend Sections 10332, 10335, 10338, 10340, 10341, 10342 and 10344 of the Insurance Code, all relating to standard provisions for disability insurance policies.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1325**—An act to amend Section 10380 of the Insurance Code, relating to disability insurance.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1332**—An act to repeal Sections 1560 and 1561 of the Insurance Code, relating to conditions of doing business applicable to foreign insurers.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1424**—An act to amend Section 911 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1331**—An act to amend Section 12924 of the Insurance Code, relating to the production of evidence before the Insurance Commissioner.

#### Motion to Refer Bill to Inactive File

Senator McBride moved that Assembly Bill No. 1331 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 83**—An act to amend Section 783 of the Penal Code, relating to jurisdiction of offenses committed on vessels navigating State waters or on railroad trains or cars or on aircraft.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1176**—An act to amend Section 644 of the Penal Code, relating to habitual criminals.

**Motion to Refer Bill to Inactive File**

Senator Donnelly moved that Assembly Bill No. 1176 be placed on the inactive file.

Motion carried.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 1173**—An act to amend Section 702 of the Probate Code, relating to affidavit of publication.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1168**—An act to amend Section 1277 of the Code of Civil Procedure, relating to changes in names of persons.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 491**—An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2043**—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kuchel, Mayo, McBride, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 831**—An act to add Section 2163.6 to the Welfare and Institutions Code, relating to aid to the aged in respect to income and property qualifications of applicants and recipients.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1172**—An act to amend Section 701 of the Probate Code, relating to giving of notice to creditors.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2042**—An act to amend Section 600 of the Penal Code, relating to burning structures or other things not subject to arson, and providing a penalty.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 925**—An act to amend Section 884 of the Welfare and Institutions Code, relating to medical, surgical, or dental care for persons alleged to come within the provision of Section 700 of the Welfare and Institutions Code.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 490**—An act to amend Sections 19302, 19304 and 19307 of the Education Code, all relating to school cafeterias.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 742**—An act to amend Section 6332 of the Education Code, relating to statements by school districts of receipts and expenditures.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 955**—An act to add Article 1.5, comprising Section 20041, to Chapter 1 of Division 10 of the Education Code, relating to withdrawal of money from the State treasury by The Regents of the University of California.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1060**—An act to add Sections 2456.1 and 3591.1 to the Education Code, and to amend Education Code Sections 3661.1 and 3671, relating to the formation of districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RETAIN PLACE ON FILE

Senator Tenney moved that Assembly Bill No. 220 retain its place on file.

Motion carried.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Breed:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Respectfully submitted.

SENATOR BREED



## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 2, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Financial Institutions.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1306:** By Senator Breed—An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Referred to Committee on Financial Institutions.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1216**—An act to amend Section 14135 of the Education Code, and to add Section 14135.1 to said code, relating to classified employees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolution was offered:

By Senator Powers:

## Senate Resolution No. 122

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, beginning June 3, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Dolores A. Seiverson—Stenographer-----Per day \$8.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

**NOES**—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.02 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

**Motion to Postpone Consideration**

Senator Jespersen moved that his motion to reconsider the vote whereby Assembly Bill No. 1879 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.

**NOES**—None.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1566**—An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 26, of the printed bill, after the comma following "accident", insert "but in all cases upon the termination of a period of six months after the date of the accident,".

**Amendment No. 2**

On page 1, line 27, of the printed bill, strike out "except the"; and strike out line 28, and insert "shall be".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 802**—An act relating to aviation; defining terms, providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, Governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond

issues, indebtedness and contracts; granting specific powers; permitting the acceptance of Federal aid; authorizing joint action by municipalities and by municipalities and the State; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the State, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "Aviation", and insert "Aeronautical".

**Amendment No. 2**

On page 12 of said bill, strike out lines 27 and 28, and insert "Sec. 18. The authority granted by this act to municipalities shall be alternative to, and in addition to, authority granted by the provisions of any other act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Request for Unanimous Consent**

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion read, and printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO 2, CALIFORNIA, June 2, 1945

*Hon. Nelson S. Dilworth and Hon. George J. Hatfield*  
*Senate Chamber, State Capitol*  
*Sacramento, California*

Legal Effect of Senate Bill No. 285, as Introduced and as Amended April 9, 1945—  
No. 4781

DEAR SENATORS: You ask as to the legal effect of this bill as introduced and as amended April 9, 1945, what change it would effect in the existing law.

As introduced, it amended Section 4041.6 of the Political Code to delete the last sentence of subdivision (3), which purports to confer upon each county board of supervisors the jurisdiction and power:

"To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the State for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the State and Federal authorities in forestry work."

As introduced, it also proposed the addition of Section 4041.6a to the Political Code, expressly declaring that each county board of supervisors may organize, equip and maintain a fire department for the prevention and suppression of fires within the county, appoint and prescribe the duties of a fire warden, and cooperate with the Federal Government, the State, any city, fire district, person, association or corporation for the performance of any such functions.

The amendment of April 9, 1945, merely removed from the bill the proposed amendment to Section 4041.6, leaving intact the text of proposed new Section 4041.6a.

In my opinion, the only substantial legal effect of the bill as introduced was to remove from the code a "two cents per one hundred dollars of the assessed valuation" limitation upon the amount which the board may spend each year for protecting "forest, brush and grass lands" in the county "against fire or other injury" and in "aiding the State and Federal authorities in forestry work."

The amended bill appears to have no substantial legal effect. It leaves intact this two-cent limitation.

The proposed new Section 4041.6a appears to be nothing more than a statement in express terms of what the law already provides.



As heretofore indicated in my opinions of January 20, January 21, and February 8, 1944, the two cents per one hundred dollars feature is truly a limitation, not a grant; a limitation upon the amount expendable for the protection of "forest, brush and grass lands" against "fire or other injury." Such appears to be the clear intentment of the words used.

This interpretation is supported by the legislative history of the clause under consideration. It came into the law in 1905 (Chapter 337, Stats. 1905, page 394) as Section 33½ of the County Government Act of 1897, authorizing counties of the first and second classes to appropriate not exceeding \$20,000 (other counties, \$10,000) in any one year "to aid in and carry on the work of the preservation of forests upon public lands, the reforestation of forests upon public lands, and the protection of forests upon public lands from fire."

That was the year the first State Board of Forestry Act became law (Stats. 1905, Chapter 264, page 235). The State thereby assumed certain responsibilities in respect to the prevention and extinguishment of "forest, brush, and grass fires," provided for State cooperation with counties, imposed a duty upon counties to remove "brush, grass and inflammable material" from their rights of way "in forest or brush lands," and purported to authorize the counties to "appropriate money for purposes of forest protection, improvement and management."

Section 33½ of the County Government Act apparently was intended as a limitation upon that type of expenditure by the county. Its provisions went into Section 4041 of the Political Code, as subdivision 38 thereof, when the County Government Act was codified in 1907, modified to read as they now read in Section 4041.6.

This view is further borne out by the fact that the county is the recipient of a direct Constitutional grant of the police power, by Section 11 of Article XI:

"Any county \* \* \* may make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws."

This confers upon the county, to exercise for the county, virtually all of the police power which the State Legislature itself may exercise for the State as a whole, subject only to general laws. (See 7 Cal. Jr. 534-539, and cases cited.)

As observed by the court when it held valid the appointment of a county health officer, Section 11 of Article XI "by necessary implication, if not by express terms, gives to the board of supervisors the authority to do just what they have done," adding:

"How is the board to look after the sanitary conditions of the county and the health of its people except through the assistance of paid expert agents? They have implied power to adopt any adequate and appropriate means to carry out their express powers." (*Valle v. Shaffer*, 1 Cal. App. 183, 184; hearing in Supreme Court denied.)

What the county may do for the protection of the health of its people, it must be able to for the protection of their persons and property from fire.

Consonant with this view are the following legislative expressions concerning the county and the board of supervisors:

The county is a political subdivision of the State having corporate powers (Pol. Code, Sec. 3901). It is a body corporate and politic and as such has the power specified in Sections 4000 to 4348 of the Political Code "and such other powers as are necessarily implied from those expressed" (Pol. Code, Sec. 4000).

The powers of a county are exercised by a board of supervisors or by agents and officers acting under authority of that board or under authority of law (Pol. Code, Sec. 4001).

The county has power "to levy and collect such taxes, for purposes under its exclusive jurisdiction as are authorized by law." (Pol. Code, Sec. 4003.) Section 4307 enumerates certain specific county charges including "the expenses necessarily incurred in the preparation of plans for meeting any emergency caused by a flood, fire, earthquake, pestilence, tornado, or other Act of God which might cause extraordinary loss of life or destruction of property and every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors." I think that an expenditure directed by a legally effective ordinance would be considered an expense "directed by law."

All of these powers are supplemented by the authority conferred "to do and perform all other acts and things required by law in this title enumerated, or which shall be necessary to the full discharge of the duties of the legislative authority of the county government" (Pol. Code, Sec. 4041.25; formerly subd. (41) of Sec. 4041).



Consonant with the views here expressed are those expressed by the Attorney General in his opinion of January 28, 1944, interpreting Section 4041.6 of the Political Code (NS—5309).

In conclusion, it is my opinion that the two cents per one hundred dollars of assessed valuation feature is at most a limitation, that it applies only to "forest, brush and grass lands," does not otherwise limit the general power and duty of the counties to protect persons and property from fire or the hazard of fire.

In respect to cooperation with Federal, State and other agencies, the county appears to have ample authority under other provisions of law, including particularly the Joint Exercise of Powers Act of 1921, Deering Act 1801.

Yours very truly,

FRED B. WOOD, Legislative Counsel

In view of the opinion herein expressed I do not intend to press Senate Bill No. 285 as amended April 9, 1945, for passage.

NELSON S. DILWORTH  
GEO. J. HATFIELD

## REPORTS OF STANDING COMMITTEES

### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 1302

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were introduced, and read the first time:

**Senate Concurrent Resolution No. 62:** By Senator Crittenden—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties.

Referred to Committee on Rules.

**Senate Joint Resolution No. 29:** By Senators Tenney and Burns—Relative to memorializing the President, the Secretary of State, and the Congress to retain full control over Japanese owned or mandated islands in the Pacific which heretofore have been, or hereafter may be, captured by the United States in the course of the war.

Referred to Committee on Military and Veterans Affairs.

## RESOLUTIONS

The following resolution was offered:

By Senator Powers:

**Senate Resolution No. 124**

*Resolved*, That the following named persons be stricken from the list of Senate Attaches, and that their names be stricken from the payroll of the Senate, to take effect on completion of work June 2, 1945.

	<i>Per day</i>
Elizabeth Simpson, Stenographer-----	\$8 00
Josephine Bosley, Stenographer-----	8 00

Resolution read, and on motion of Senator Powers, adopted.

The following resolution was offered:

By Senators Swing, Hulse, and Brown:

**Senate Resolution No. 123**

Relating to the creation of a Senate Fact Finding Committee to investigate, study and consider plans for fish hatcheries, game preserves, rehabilitation of quail, game farms and means and methods of preventing damage of crops by migratory fowl, and all other problems relating thereto and that relate to and affect the southern part of the State.

Referred to Committee on Rules.

## ADJOURNMENT

At 4.16 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, June 4, 1945.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

EIGHTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED FORTY-EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, June 4, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maybelle Paul Iribe, Captain Paul Iribe, and Anita Magee Iribe, all of Los Angeles.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Wardlow of Porterville.

On request of Senator Tenney and Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Laura LeVeille, Chairman, Civil Service Committee, of Los Angeles; Charles A. Jeffrey, Regional Director, District 11, of Los Angeles; and Hollis Williams, Regional Director, District 12, of Highland; representatives of the California State Employees' Association.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. C. Leander, S. 1/c., of San Francisco, and G. M. Morey, S. 1/c., of Los Angeles.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Martinelli of San Francisco.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Hatfield of Newman.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day is returning pursuant to your request for further action:

Assembly Bill No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Assembly Bill No. 29 ordered placed on third reading file.

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 89  
Assembly Bill No. 130  
Assembly Bill No. 645  
Assembly Bill No. 944  
Assembly Bill No. 945  
Assembly Bill No. 1502

Assembly Bill No. 452  
Assembly Bill No. 902  
Assembly Bill No. 904  
Assembly Bill No. 912  
Assembly Bill No. 913  
Assembly Bill No. 1123

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 254  
Senate Bill No. 1092  
Senate Bill No. 1213  
Senate Bill No. 1292

Senate Concurrent Resolution No. 19  
Senate Concurrent Resolution No. 27  
Senate Concurrent Resolution No. 51

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 59**—Approving certain amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the fourteenth day of May, 1945; And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fourth day of June, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 625**—An act relating to a public works construction program for the prevention of unemployment upon the relaxation of the war effort and during the postwar period of adjustment from a war economy to a peacetime economy, creating therefor the "Postwar Unemployment and Construction Fund" in the State treasury, declaring the policy of the Legislature and prescribing the powers and duties of public officers in respect thereto, and transferring moneys to said fund; And reports that the same has been correctly enrolled, and presented to the Governor on the second day of June, 1945, at 5 p.m.

SEAWELL, Chairman



SENATE CHAMBER, SACRAMENTO, June 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 44

Senate Bill No. 1209

Senate Bill No. 502

Senate Bill No. 1297

And reports the same correctly engrossed.

SEAWELL, Chairman

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Dilworth moved that Senate Bill No. 1297 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Donnelly moved that Senate Bill No. 139 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator DeLap moved that Assembly Bills Nos. 91 and 1991 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Carter moved that Senate Bill No. 886 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator McCormack moved that Senate Bill No. 600 be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 705**—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 705?

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out line 41.

**Amendment No. 2**

On page 2 of the printed bill, as amended, between lines 40 and 41, insert "State Board of Equalization".

**Amendment No. 3**

On page 2, line 24, of said bill, strike out "Administrative Procedure", and after "of", insert "Professional and Vocational Standards".

**Amendment No. 4**

On page 2, lines 48 and 49, of said bill, strike out "Administrative Procedure"; and after "Department of", insert "Professional and Vocational Standards".

**Amendment No. 5**

On page 4, line 27, of said bill, after "the", insert "latest".

**Amendment No. 6**

On page 6, line 27, of said bill, strike out "action", and after "The", insert "petition".

**Amendment No. 7**

On page 6, line 39, of said bill, strike out "353 of the Political Code"; and after "Section", insert "11189 of the Government Code".

**Amendment No. 8**

On page 7, line 3, of said bill, after "hearing", insert "or consideration".

**Amendment No. 9**

On page 9, line 16, of said bill, after "itself", insert

"If additional oral evidence is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence."

**Amendment No. 10**

On page 10, line 27, of said bill, after "tioner", insert ", within 20 days after a request therefor by him,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 705 by the following vote:

AYES—Senators Biggar, Brown, Carter, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 713**—An act to amend Section 104.5, 1624, 1625, 2304, 2305, 2355, and 2356 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 713?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 3 to 11, inclusive, and insert

"104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within one year after the order or other action complained of. The board may rehear any matter within six months after its original order or decision, on its own motion or on application of any interested party. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with"

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 713 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 715**—An act to amend Sections 1584, 1597 and 1663 and to repeal Sections 1598 and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 715?

**Amendment No. 1**

On page 2, line 16, of said bill, after "that", insert "Sections 1584 and 1597 shall be so applicable and".

**Amendment No. 2**

On page 2, line 16, of said bill, after "sections", insert ", in the terms thereof now in effect,".

**Amendment No. 3**

On page 2, line 18, of said bill, strike out "1584".

**Amendment No. 4**

On page 2, line 19, of said bill, strike out "1597".

**Amendment No. 5**

On page 2, line 21, of said bill, after "said", insert "last mentioned".

**Amendment No. 6**

On page 2, line 21, of said bill, after "sections", insert ", in the terms thereof now in effect,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 715 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 719**—An act to amend Section 7570 and to repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Professional and Vocational Standards.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 719?

**Amendment No. 1**

In line 4 of the title of the printed bill, strike out "Administrative Procedure", and after "of", insert "Professional and Vocational Standards".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 719 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 736**—An act to add Section 1094.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 736?

**Amendment No. 1**

On page 2, line 29, of said bill, after "taken.", insert

"If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal unless the court to which such appeal is taken shall otherwise order."

**Amendment No. 2**

On page 2, line 36, of the printed bill, as amended May 28, 1945, following the period after "order", insert

"Where any final administrative order or decision is the subject of proceedings under this section, if the petition shall have been filed while the penalty imposed is in full force and effect the determination shall not be considered to have become moot in cases where the penalty imposed by the administrative agency has been completed or complied with during the pendency of such proceedings."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 736 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 737**—An act to amend Section 102 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, and relating to the employment of hearing officers and the continued study of administrative procedure.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 737?

**Amendment No. 1**

On page 4, line 49, of the printed bill, as amended, strike out "three", and insert "five".

**Amendment No. 2**

On page 4 of said bill, after line 50, insert "Three members of the board shall constitute a quorum."

**Amendment No. 3**

In the title of said bill, strike out "Sections 23, 23.5, 100, 102, 150, 158, 203, 204."; strike out lines 2 through 5, inclusive; in lines 8 and 9, strike out "changing the name of the department to the Department of Administrative Procedure."; and in line 1, after "amend", insert "Section 102 of, and to add Sections 110.5 and".

**Amendment No. 4**

On page 1 of said bill, strike out lines 1 through 10, inclusive.

**Amendment No. 5**

On page 1, line 11, of said bill, strike out "SEC. 4.", and insert "SECTION 1."

**Amendment No. 6**

On page 1, lines 14 and 15, of said bill, strike out "Administrative Procedure"; and after "of", insert "Professional and Vocational Standards".

**Amendment No. 7**

On page 2, line 8, of said bill, strike out "5", and after "Sec.", insert "2".



**Amendment No. 8**

On page 2, line 10, of said bill, after "Code", insert " , who, together with any additional employees assigned for that purpose, shall constitute the Division of Administrative Procedure".

**Amendment No. 9**

On page 2, lines 22 and 23, of said bill, strike out "Sections 356 or 356a of the Political Code", and after "to", insert "Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code".

**Amendment No. 10**

On page 2, lines 24 through 26, of said bill, strike out "In no event shall the cost in addition to the salary exceed fifteen per cent (15%)."

**Amendment No. 11**

On page 2, line 30, of said bill, strike out "6", and after "Sec.", insert "3".

**Amendment No. 12**

On page 2, line 31, of said bill, after "directed", insert " , through its Division of Administrative Procedure",.

**Amendment No. 13**

On page 2 of said bill, strike out lines 41 through 51, inclusive.

**Amendment No. 14**

On page 3 of said bill, strike out lines 1 through 52, inclusive.

**Amendment No. 15**

On page 4 of said bill, strike out lines 1 through 50, inclusive.

**Amendment No. 16**

On page 5 of said bill, strike out lines 1 through 52, inclusive.

**Amendment No. 17**

On page 6 of said bill, strike out lines 1 through 51, inclusive.

**Amendment No. 18**

On page 7 of said bill, strike out lines 1 through 50, inclusive.

**Amendment No. 19**

On page 8 of said bill, strike out lines 1 through 11, inclusive.

**Amendment No. 20**

On page 5 of the printed bill, as amended, strike out line 13.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 737 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 740**—An act to amend Sections 120, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, and 1254, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, relating to administrative procedure affecting various businesses in the agricultural field.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 740?

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "ship or".

**Amendment No. 2**

On page 1, line 6, of said bill, strike out "ships or".

**Amendment No. 3**

On page 1, line 13, of said bill, after (\$15).", insert "The applicant shall further satisfy the director of his or its character and good faith in seeking to carry on the business of selling nursery stock."

**Amendment No. 4**

On page 2, line 2, of said bill, strike out "first", and insert "eleventh".

**Amendment No. 5**

On page 2, line 4, of said bill, strike out "ship or".

**Amendment No. 6**

On page 2, line 5, of said bill, strike out "ship or".

**Amendment No. 7**

On page 2, line 6, of said bill, strike out "ship or".

**Amendment No. 8**

On page 2, line 9, of said bill, strike out "twice that of", and insert "equal to".

**Amendment No. 9**

On page 2, line 13, of said bill, strike out "neither sold nor shipped", and insert "not sold".

**Amendment No. 10**

On page 2, line 34, of said bill, strike out "or ship".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 740 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 741**—An act to amend Sections 383.5, 700, 704, 765, 766, 783, 783.5, 851, 852, 1512, 1707, 1720.06, 1731, 1732, 1760.5, 1776, 1807.5, 1813, 1821, 11063, 12223, 12282, 12924 and 12975.5, and to repeal Sections 767, 1734, 1818, and 11064 of, and to add Section 1649.5 to the Insurance Code, relating to administrative procedure affecting the transaction of insurance business.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 741?

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "1649,".

**Amendment No. 2**

In line 5 of the title of said bill, after "of", insert ", and to add Section 1649.5 to".

**Amendment No. 3**

On page 5 of said bill, strike out lines 34 to 51, inclusive; and on page 6, strike out lines 1 to 8, inclusive, and insert

"Sec. 11. Section 1649.5 is added to said code to read:  
1649.5. Where a hearing is held under Section 1649 the proceedings".

**Amendment No. 4**

On page 11, line 1, of said bill, strike out "2", and after "Chapter", insert "3".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 741 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keat-

ing, Kuchel, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 742**—An act to amend Section 15 of, and to add Sections 7.5, 9.5, and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Section 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12 and 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939; relating to administrative procedure of the Commissioner of Corporations.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 742?

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

On page 3 of said bill, strike out lines 10 and 11, and insert:

"SEC. 23.5. The provisions of Section 23 shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code."

#### Amendment No. 2

In line 21 of the title of the printed bill, before the semicolon insert ", Chapters 953 and 1045 of the Statutes of 1939".

#### Amendment No. 3

On page 8, line 44, of said bill, after "Act", insert ", Chapter 1045 of the Statutes of 1939,".

#### Amendment No. 4

On page 9, line 35, of said bill, after "Act", insert ", Chapter 1045 of the Statutes of 1939,".

#### Amendment No. 5

On page 10, line 37, of said bill, after "Act", insert ", Chapter 1045 of the Statutes of 1939,".

#### Amendment No. 6

On page 10 of said bill, after line 49, insert:

"SEC. 18. Section 7 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read:

Sec. 7. Requirements for license. Upon the filing of such application and the payment of such fees and the approval of such bond, the commissioner shall investigate the facts and if he shall find (a) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof



if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this act, he shall thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered, revoked or suspended. It shall expire at noon on the thirty-first day of December of any calendar year if, on or before the twentieth day of December of such year, the licensee fails to file an application to renew it and pay the annual license fee for the next succeeding calendar year.

If the commissioner finds that any applicant does not possess the requirements specified in this section, he shall, upon [ten days' written notice to the applicant stating the contemplated action and in general the grounds therefor, and upon] reasonable opportunity to be heard, deny the application and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within sixty (60) days from the filing thereof with the said fees and the said approved bond.

[Denial of Application and Right of Review. If the application is denied, the commissioner shall within twenty (20) days thereafter file with the Division of Corporations a written decision and findings with respect thereto containing the evidence and the reasons supporting the denial, and forthwith serve upon the applicant a copy of the decision and findings, which decision and findings may be reviewed in any manner provided by law within thirty (30) days after the filing thereof.]

*The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.*

SEC. 19. Section 12 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read:

SEC. 12. Revocation of License. The commissioner shall, upon [ten (10) days' notice to the licensee stating the contemplated action and in general the grounds therefor, and upon] reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this act; or that

(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the commissioner under and within the authority of this act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the commissioner in refusing originally to issue such license.

**Suspension of License.** The commissioner may upon three (3) days' notice and a hearing, suspend any license for a period not exceeding thirty (30) days, pending investigation.

**Surrender of License.** Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

[Filing Reasons for Revocation etc. Whenever the commissioner shall revoke or suspend a license issued pursuant to this act, he shall forthwith file with the Division of Corporations a written order to that effect and findings with respect thereto containing the evidence and the reasons supporting the revocation or suspension, and forthwith serve upon the licensee a copy of said order and findings.]

Whenever, after an examination, investigation or hearing under this act the commissioner deems it of public interest or advantage, he may certify a record to the proper prosecuting official of the county, city and county, or city in which the act or acts complained of, examined or investigated, occurred.]

*Except in cases in which the time for setting the hearing is shortened as herein provided, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner shall have all the powers granted therein.*

SEC. 20. Section 23 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read:

SEC. 23. Review of Decision. Every order, decision, license or other official act of the commissioner shall be subject to review [in accordance with] *as provided by law.* [Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, which was introduced in the formal hearing before the commissioner, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, finding, requirement or rule]."



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 742 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 51**—An act to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising basis of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 51?

##### Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert "An act to amend".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 21, inclusive; strike out pages 2, 3, 4, and 5 of said bill; and on page 6, strike out lines 1 to 43, inclusive.

##### Amendment No. 3

On page 6, line 44, of said bill, strike out "Sec. 16.", and insert SECTION 1."

##### Amendment No. 4

On page 6, line 47, of said bill, after "contribution", insert ", effective on July 1, 1945, or on the latter date of his entrance into this system,".

##### Amendment No. 5

On page 7, line 4, of said bill, strike out "Sec. 17.", and insert "SEC. 2."

##### Amendment No. 6

On page 7, line 18, of said bill, strike out "Sec. 18.", and insert "SEC. 3."

##### Amendment No. 7

On page 7, line 38, of said bill, strike out "Sec. 19.", and insert "SEC. 4."

##### Amendment No. 8

On page 8, line 3, of said bill, strike out "Sec. 20.", and insert "SEC. 5."

##### Amendment No. 9

On page 8, line 18, of said bill, strike out "Sec. 21.", and insert "SEC. 6."

##### Amendment No. 10

On page 8, line 32, of said bill, strike out "Sec. 22.", and insert "SEC. 7."

##### Amendment No. 11

On page 8, line 41, of said bill, strike out "Sec. 23.", and insert "SEC. 8."

##### Amendment No. 12

On page 9, line 4, of said bill, strike out "Sec. 24.", and insert "SEC. 9."

##### Amendment No. 13

On page 9, line 14, of said bill, strike out "Sec. 25.", and insert "SEC. 10."

**Amendment No. 14**

On page 9, line 21, of said bill, strike out "Sec. 26.", and insert "SEC. 11."

**Amendment No. 15**

On page 9, line 28, of said bill, after "age", insert "70, or if a member is entitled to be credited with 20 years of continuous State service and retires after attaining age".

**Amendment No. 16**

On page 10, line 7, of said bill, strike out "Sec. 27.", and insert "SEC. 12."

**Amendment No. 17**

On page 10, line 12, of said bill, strike out "Sec. 28.", and insert "SEC. 13."

**Amendment No. 18**

On page 10, line 25, of said bill, strike out "Sec. 29.", and insert "SEC. 14."

**Amendment No. 19**

On page 10, line 45, of said bill, strike out "Sec. 30.", and insert "SEC. 15."

**Amendment No. 20**

On page 10, line 46, of said bill, strike out "Sec. 31.", and insert "SEC. 16."

**Amendment No. 21**

On page 10, line 49, of said bill, strike out "nonindustrial".

**Amendment No. 22**

On page 11, line 6, of said bill, strike out "nonindustrial".

**Amendment No. 23**

On page 11 of said bill, between lines 27 and 28, insert "The disability of retirement pension shall be derived from the contributions of the employer."

**Amendment No. 24**

On page 11, line 28, of said bill, strike out "Sec. 32.", and insert "SEC. 17."

**Amendment No. 25**

On page 12, line 3, of said bill, strike out "Sec. 33.", and insert "SEC. 18."

**Amendment No. 26**

On page 12 of said bill, strike out lines 17 to 24, inclusive, and insert "SEC. 19. This amendatory act shall become effective on the first day of".

**Amendment No. 27**

On page 6, line 43, of said bill, after "average", insert "an".

**Amendment No. 28**

On page 6, line 48, of said bill, strike out "at which members may".

**Amendment No. 29**

On page 8, line 42, of said bill, strike out "65", and insert "60".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 51 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 217**—An act to add Section 4050 to the Public Resources Code, relating to fire protection, and prescribing the powers

and duties of the State and of county boards of supervisors in connection therewith.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 217?

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "the powers of boards of supervisors", and insert "fire protection, and prescribing the powers and duties of the State and of county boards of supervisors in connection therewith".

**Amendment No. 2**

On page 1 of said bill, strike out lines 5 to 23, inclusive; and on page 2, strike out lines 1 to 27, inclusive, and insert "responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the Federal Government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities, and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State. After the effective date of the contract hereinafter referred to, such county shall have and exercise all the duty, power, authority and responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the Federal Government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities, and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State, which is vested in the Department of Natural Resources, the Division of Forestry or the State Board of Forestry, and such power, duty, authority and responsibility shall be assumed by the county for the duration of the contract.

(b) The State Board of Forestry shall classify all lands within the area of the State in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State into types of land based on cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks and hazards, and shall determine the intensity of protection to be given to each such type of land. A plan for adequate State-wide fire protection of such areas shall be prepared by the State Board of Forestry in which all land in each type shall be assigned the same intensity of protection; and the estimated cost thereof shall be determined. In the preparation of budgets for fire protection the total funds available or estimated to be available shall be allocated to the areas to be protected in conformance to such fire protection plan, and if the funds so available are less than the estimated adequate cost of such plan the Board of Forestry shall determine whether the intensities of fire protection shall be reduced or withdrawn, maintaining uniform consideration for all lands in each type. In those counties assuming responsibility under subdivision (a) of this section for fire protection and suppression of the lands thus classified within the respective counties, there shall be budgeted sums to be allocated to those counties at least equal to the direct cost of fire protection thus determined to include the salaries and wage of suppression crews and lookouts and maintenance of fire fighting facilities.

(c) The State Forester shall, with the approval of the Department of Finance, annually enter into a contract with any county which enacts an ordinance as provided in subdivision (a) of this section, and any such contract shall provide for payment to such county, as compensation for the assumption of the duty, power, authority and responsibility for fire protection and suppression as provided in this section of such sum as may be specifically allocated in the appropriation made by the Legislature for that purpose or if no specific appropriation is made therefor then the sum allocated for expenditure in such county under the provisions of subdivision (b) of this section."

**Amendment No. 3**

On page 2, line 37, of said bill, after "348", insert "43".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 217 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Ward, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 319**—An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 319?

**Amendment No. 1**

On page 2, line 12, of the printed bill, as amended, strike out "food and drug", and insert "sanitary".

**Amendment No. 2**

On page 2, line 19, of said bill, strike out "food and drug", and insert "sanitary".

**Amendment No. 3**

On page 2, line 20, of said bill, after "by", insert "the State,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 319 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 460**—An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05, 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11713, 11715, and 11721, of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1a of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 460?

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, strike out "canabis", and insert "Cannabis".

**Amendment No. 2**

On page 3, line 35, of the printed bill, as amended, strike out "and", and insert "special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 460 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

**NOES**—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Senate Bill No. 586**—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 586?

**Amendment No. 1**

On page 3 of the printed bill, as amended, strike out lines 49 and 50, and insert "enjoy property of every kind and description within the limits of the district, and to control, dispose of,".

**Amendment No. 2**

On page 4, line 19, of said bill, strike out "or outside".

**Amendment No. 3**

On page 4, line 42, of said bill, strike out "and", and insert "than".

**Amendment No. 4**

On page 1, line 16, of the printed bill, as amended, after "divided.", insert "No territory which is part of a county having a population in excess of 200,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States shall be included in any local hospital district."

**Amendment No. 5**

On page 4, line 26, of said bill, strike out "either".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 586 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 663**—An act to create a flood control district to be called Humboldt County Flood Control District and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 663?

**Amendment No. 1**

On page 1, line 6, of the printed bill, after "county", insert "excepting such islands of said county as lie in the Pacific Ocean."

**Amendment No. 2**

On page 1 of said bill, strike out lines 13, 14, and 15; and on page 2, strike out lines 1 to 7, inclusive, and insert

"Zone 1. Beginning at a point where the section line running east and west between Sections 4 and 9, T. 3 N., R. 2 W., H. M., intersects the shore line of the

Pacific Ocean, and running thence east to the quarter-section corner common to Sections 1 and 12, said T. 3 N., R. 2 W., H. M.; thence".

#### Amendment No. 3

On page 5, line 10, of said bill, strike out "may by resolution," and insert "of supervisors of the district created by this act, by resolution thereof adopted from time to time, may".

#### Amendment No. 4

On page 5 of said bill, strike out lines 29 to 33, inclusive, and insert "to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, and to increase, and to prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use within the district."

#### Amendment No. 5

On page 5 of said bill, strike out lines 42 to 51, inclusive, and insert "4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to".

#### Amendment No. 6

On page 6, line 3, of said bill, strike out "6", and insert "5".

#### Amendment No. 7

On page 6, line 4, of said bill, after "benefit", insert "of the district or".

#### Amendment No. 8

On page 6, line 7, of said bill, strike out "in", and insert "into".

#### Amendment No. 9

On page 6, line 29, of said bill, after "in", insert "or flowing into".

#### Amendment No. 10

On page 6 of said bill, strike out lines 32 to 35, inclusive, and insert "between the owners of lands or water rights which do not affect the interests of the district."

#### Amendment No. 11

On page 6, line 36, of said bill, strike out "7", and insert "6".

#### Amendment No. 12

On page 6, line 46, of said bill, after "courses", insert "and watersheds".

#### Amendment No. 13

On page 6, line 47, of said bill, strike out "8", and insert "7".

#### Amendment No. 14

On page 7, line 7, of said bill, strike out "9", and insert "8".

#### Amendment No. 15

On page 7 of said bill, strike out lines 19 and 20, and insert "least private injury. The district, or its agents in".

#### Amendment No. 16

On page 7, line 26, of said bill, strike out "10", and insert "9".

#### Amendment No. 17

On page 7 of said bill, strike out lines 37 to 39, inclusive, and insert "and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper".

#### Amendment No. 18

On page 8, line 23, of said bill, strike out "11", and insert "10".

#### Amendment No. 19

On page 8, line 25, of said bill, strike out "12", and insert "11".

**Amendment No. 20**

On page 8, line 29, of said bill, strike out "13", and insert "12".

**Amendment No. 21**

On page 10 of said bill, strike out lines 4 to 10, inclusive.

**Amendment No. 22**

On page 10 of said bill, strike out lines 21 to 23, inclusive, and insert "such waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such".

**Amendment No. 23**

On page 10 of said bill, strike out lines 29 to 33, inclusive, and insert "1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement."

**Amendment No. 24**

On page 10, line 34, of said bill, strike out "3", and insert "2".

**Amendment No. 25**

On page 10 of said bill, strike out lines 37 and 38, and insert "3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improve."

**Amendment No. 26**

On page 10, line 43, of said bill, strike out "5", and insert "4".

**Amendment No. 27**

On page 12, line 33, of said bill, strike out "8 of Section 6", and insert "7 of Section 5".

**Amendment No. 28**

On page 12, line 35, of said bill, strike out "8", and insert "7".

**Amendment No. 29**

On page 12, line 37, of said bill, strike out "joint", and insert "participating".

**Amendment No. 30**

On page 13, line 36, of said bill, after "special", insert "bond".

**Amendment No. 31**

On page 13 of said bill, strike out lines 38 and 39, and insert "zone, subzone, or participating zones, the proposition of incurring a bonded debt in such zone, subzone, or participating zones in".

**Amendment No. 32**

On page 14, line 12, of said bill, after "such", insert "bond election".

**Amendment No. 33**

On page 14, line 32, of said bill, strike out "affected zone", and insert "zone affected".

**Amendment No. 34**

On page 16, line 43, of said bill, after "1946", insert "; provided however, that until the requirements of Section 3720 of the Political Code have been fully complied with all taxes levied shall be at a uniform rate for all zones in the district".

**Amendment No. 35**

On page 18 of said bill, strike out lines 15 to 25, inclusive, and insert "SEC. 24. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars (\$5,000), shall be let to the lowest responsible bidder or bidders therefor in the manner herein-after provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated

in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file".

**Amendment No. 36**

On page 18, line 35, of said bill, strike out "and", and insert "or".

**Amendment No. 37**

On page 20 of said bill, strike out lines 25 to 27, inclusive, and insert "contract, tort, or inverse eminent domain must be made in writing and filed with the board within".

**Amendment No. 38**

On page 20, line 37, of said bill, after "property", insert ", except shares of stock in mutual water companies or corporations relating to water supply, as provided in Section 31d, Article IV, of the Constitution,".

**Amendment No. 39**

On page 21, line 7, of said bill, after "county", insert "The State of California shall be construed to be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions."

**Amendment No. 40**

On page 21, line 9, of said bill, after "proceeding," insert "the State,".

**Amendment No. 41**

On page 21 of said bill, strike out lines 15 and 16, and insert "proceeding. Such proceeding is hereby declared to be a".

**Amendment No. 42**

On page 21, line 24, of the printed bill, as amended, strike out "In case any street, road, highway, railroad, canal,"; and strike out lines 25 to 36, inclusive, and insert "If by any agreement or judgment in condemnation the district".

**Amendment No. 43**

On page 21, line 37, of said bill, strike out "such".

**Amendment No. 44**

On page 8, line 48, of the printed bill, as amended in the Assembly on May 10, 1945, after the comma following "otherwise", insert "provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act, or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated."

**Amendment No. 45**

On page 8, line 48, of said bill, strike out "and", and insert "The district shall also have and may exercise the right".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 663 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1251**—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654, 20836, 21001, 21026, 21027, 21028, 21367, and 21453



of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1251?

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after "20654," insert "20755,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1251 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Rich, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

**NOES**—None.

Above bill ordered enrolled.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 615 was taken up.

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

**Motion to Reconsider Senate Bill No. 615**

Pursuant to his motion previously made, Senator Jespersen moved that the Senate, at this time, reconsider the vote whereby the committee amendments to Senate Bill No. 615 were adopted.

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the motion by Senator Jespersen to reconsider the vote whereby the committee amendments to Senate Bill No. 615 were adopted.

Motion carried.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 2, line 21, of the printed bill, as amended, after the comma following "feeding", insert "shearing, caring for, training."

**Amendment No. 2**

On page 2, line 22, of said bill, after "bees", insert ", fur-bearing animals and wildlife".

**Amendment No. 3**

On page 2, line 33, of said bill, after "equipment", insert ", or in salvaging timber or clearing land of brush".

**Amendment No. 4**

On page 2, line 44, of said bill, after "animals", insert ", and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities".

**Amendment No. 5**

On page 2 of said bill, after line 44, insert

"(f) In connection with the production or harvesting of any agricultural commodity, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to

market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or commercial packing of dried fruits, dried nuts or dried vegetables, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

#### Division Requested

Senator Hatfield requested a division of the amendments, that Amendments Nos. 1, 2, 3, and 4 be voted on together, and that Amendment No. 5 be voted on separately.

The question being on the adoption of Amendments Nos. 1, 2, 3, and 4.

#### Amendment No. 1

On page 2, line 21, of the printed bill, as amended, after the comma following "feeding", insert "shearing, caring for, training."

#### Amendment No. 2

On page 2, line 22, of said bill, after "bees", insert ", fur-bearing animals and wildlife".

#### Amendment No. 3

On page 2, line 33, of said bill, after "equipment", insert ", or in salvaging timber or clearing land of brush".

#### Amendment No. 4

On page 2, line 44, of said bill, after "animals", insert ", and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities".

Amendments read and adopted.

The question being on the adoption of Amendment No. 5.

#### Amendment No. 5

On page 2 of said bill, after line 44, insert

"(f) In connection with the production or harvesting of any agricultural commodity, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or commercial packing of dried fruits, dried nuts or dried vegetables, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

Amendment read.

#### Motion to Amend

Senator Jespersen moved to amend Amendment No. 5 as follows:  
Strike out subdivision (g) and insert in lieu thereof the following:

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or the commercial packing of fruits, nuts or vegetables whether fresh or dried, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

Amendment read.

#### Motion to Table

Senator Collier moved that the motion by Senator Jespersen to amend Amendment No. 5 be laid on the table.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Collier, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Keating, Mayo, McBride, Rich, Salsman, Seawell, Shelley, Swing, and Tenney—15.

**NOES**—Senators Biggar, Breed, Brown, Crittenden, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Quinn, Slater, Sutton, Ward, and Weybret—21.

The question being on the motion by Senator Jespersen to amend Amendment No. 5.

**Roll Call Demanded**

Senators Jespersen, Dilworth, and Collier demanded a roll call.  
The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried. Time, 4.12 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Concurrent Resolution No. 53

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above resolution ordered to unfinished business file.

**Consideration of Assembly Amendments**

**Senate Concurrent Resolution No. 53**—Relative to adjournment sine die of the Fifty-sixth Session of the Legislature of the State of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 53?

**Amendment No. 1**

On page 1, line 4, of the resolution, strike out "Friday, June 1," and insert "Saturday, June 16,".

**Amendment No. 2**

On page 1, line 5, of the resolution, strike out "Friday, May 25," and insert "Saturday, June 9,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 53 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

**NOES**—None.

Above resolution ordered enrolled.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 23**

Senator Donnelly moved that Assembly Bill No. 23 be withdrawn from Committee on Social Welfare for purpose of being placed on second reading file.

**Motion to Postpone Indefinitely**

Senator Seawell moved that the motion by Senator Donnelly to withdraw Assembly Bill No. 23 from Committee on Social Welfare, be postponed indefinitely.

**Roll Call Demanded**

Senators Donnelly, Dillinger, and Tenney demanded a roll call.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—29.

**NOES**—Senators Crittenden, Dillinger, Donnelly, Jespersen, Shelley, and Tenney—6.

**MOTION TO ENFORCE RULE**

Senator Seawell moved that the rule limiting the opening speech to 10 minutes, and the closing speech to five minutes, be enforced by the President, and that no Senator be allowed to yield his time to another.

Motion carried.

**MOTION REGARDING EXCUSING MEMBERS**

Senator Seawell moved that no Senator be excused for the balance of the session except for reason of illness.

Motion carried.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Hatfield moved that the Conference Committee report on Assembly Bill No. 43 be printed in the Journal, and that consideration of the report be postponed to the next legislative day.

Motion carried.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 1, 1945

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 43**—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in, and that the bill, as amended on May 2, 1945, be further amended as follows:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "to 737z, inclusive, 737aa to 737zz," and insert "737d, 737g, 737h, 737j, 737l, 737m, 737n, 737o, 737p, 737q, 737r, 737s, 737u, 737v, 737w, 737y, 737z, 737aa to 737nn, inclusive, 737pp to 737yy".

**Amendment No. 2**

On page 2 of said bill, strike out lines 1 to 8, inclusive; and in line 9, strike out "SEC. 5.", and insert "SEC. 3."



**Amendment No. 3**

On page 2 of said bill, strike out lines 13 to 20, inclusive; and in line 21, strike out "SEC. 8.", and insert  
"SEC. 4."

**Amendment No. 4**

On page 2, line 25, of said bill, strike out "SEC. 9.", and insert  
"SEC. 5."

**Amendment No. 5**

On page 2 of said bill, strike out lines 29 to 32, inclusive; and in line 33, strike out "SEC. 11.", and insert  
"SEC. 6."

**Amendment No. 6**

On page 2, lines 35 and 36, of said bill, strike out "nine thousand dollars (\$9,000)", and insert "eight thousand dollars (\$8,000)".

**Amendment No. 7**

On page 2 of said bill, strike out lines 37 to 40, inclusive; and in line 41, strike out "SEC. 13.", and insert  
"SEC. 7."

**Amendment No. 8**

On page 2, line 45, of said bill, strike out "SEC. 14.", and insert  
"SEC. 8."

**Amendment No. 9**

On page 2, line 49, of said bill, strike out "SEC. 15.", and insert  
"SEC. 9."

**Amendment No. 10**

On page 2, lines 51 and 52, of said bill, strike out "seven thousand dollars (\$7,000)", and insert "six thousand dollars (\$6,000)".

**Amendment No. 11**

On page 3, line 1, of said bill, strike out "SEC. 16.", and insert  
"SEC. 10."

**Amendment No. 12**

On page 3, line 5, of said bill, strike out "SEC. 17.", and insert  
"SEC. 11."

**Amendment No. 12a**

On page 3, lines 7 and 8, of the printed bill, as amended, strike out "seven thousand five hundred dollars (\$7,500).", and insert "eight thousand dollars (\$8,000).".

**Amendment No. 13**

On page 3, line 9, of said bill, strike out "SEC. 18.", and insert  
"SEC. 12."

**Amendment No. 14**

On page 3, line 13, of said bill, strike out "SEC. 19.", and insert  
"SEC. 13."

**Amendment No. 14a**

On page 3, lines 15 and 16 of said bill, strike out "six thousand three hundred dollars (\$6,300)", and insert "seven thousand dollars (\$7,000)".

**Amendment No. 14b**

On page 3, lines 43 and 44 of said bill, strike out "six thousand five hundred dollars (\$6,500)", and insert "seven thousand dollars (\$7,000)".

**Amendment No. 15**

On page 3, line 17, of said bill, strike out "SEC. 20.", and insert  
"SEC. 14."

**Amendment No. 16**

On page 3, of said bill, strike out lines 21 to 24, inclusive; and in line 25 strike out "SEC. 22.", and insert  
"SEC. 15."

**Amendment No. 17**

On page 3, line 29, of said bill, strike out "SEC. 23.", and insert  
"SEC. 16."

**Amendment No. 18**

On page 3, line 33, of said bill, strike out "SEC. 24.", and insert  
"SEC. 17."

**Amendment No. 19**

On page 3 of said bill, strike out lines 37 to 40, inclusive; and in line 41, strike out "SEC. 26.", and insert "SEC. 18."

**Amendment No. 20**

On page 3, line 45, of said bill, strike out "SEC. 27.", and insert "SEC. 19."

**Amendment No. 21**

On page 3, line 49, of said bill, strike out "SEC. 28.", and insert "SEC. 20."

**Amendment No. 22**

On page 4, line 1, of said bill, strike out "SEC. 29.", and insert "SEC. 21."

**Amendment No. 23**

On page 4, line 5, of said bill, strike out "SEC. 30.", and insert "SEC. 22."

**Amendment No. 24**

On page 4, line 9, of said bill, strike out "SEC. 31.", and insert "SEC. 23."

**Amendment No. 25**

On page 4, line 13, of said bill, strike out "SEC. 32.", and insert "SEC. 24."

**Amendment No. 26**

On page 4, line 17, of said bill, strike out "SEC. 33.", and insert "SEC. 25."

**Amendment No. 27**

On page 4, line 21, of said bill, strike out "SEC. 34.", and insert "SEC. 26."

**Amendment No. 28**

On page 4, line 25, of said bill, strike out "SEC. 35.", and insert "SEC. 27."

**Amendment No. 29**

On page 4, line 28, of said bill, strike out "five hundred dollars (\$10,500)", and insert "dollars (\$10,000)".

**Amendment No. 30**

On page 4, line 29, of said bill, strike out "SEC. 36.", and insert "SEC. 28."

**Amendment No. 31**

On page 4, line 33, of said bill, strike out "SEC. 37.", and insert "SEC. 29."

**Amendment No. 32**

On page 4, line 37, of said bill, strike out "SEC. 38.", and insert "SEC. 30."

**Amendment No. 33**

On page 4, line 41, of said bill, strike out "SEC. 39.", and insert "SEC. 31."

**Amendment No. 34**

On page 4, line 45, of said bill, strike out "SEC. 40.", and insert "SEC. 32."

**Amendment No. 35**

On page 4, line 49, of said bill, strike out "SEC. 41.", and insert "SEC. 33."

**Amendment No. 36**

On page 5 of said bill, strike out lines 2 to 5, inclusive; and in line 6, strike out "SEC. 43.", and insert "SEC. 34."

**Amendment No. 37**

On page 5, line 10, of said bill, strike out "SEC. 44.", and insert "SEC. 35."

**Amendment No. 38**

On page 5, line 14, of said bill, strike out "SEC. 45.", and insert "SEC. 36."

**Amendment No. 39**

On page 5, line 18, of said bill, strike out "SEC. 46.", and insert "SEC. 37."

**Amendment No. 40**

On page 5 of said bill, strike out line 22, and insert  
"SEC. 38. Section 737tt of said code is amended to read:"

**Amendment No. 41**

On page 5, line 26, of said bill, strike out "SEC. 48.", and insert  
"SEC. 39."

**Amendment No. 42**

On page 5, line 30, of said bill, strike out "SEC. 49.", and insert  
"SEC. 40."

**Amendment No. 43**

On page 5, line 34, of said bill, strike out "SEC. 50.", and insert  
"SEC. 41."

**Amendment No. 44**

On page 5, line 38, of said bill, strike out "SEC. 51.", and insert  
"SEC. 42."

**Amendment No. 45**

On page 5 of said bill, lines 40 and 41, strike out "eight thousand dollars (\$8,000)", and insert "seven thousand two hundred dollars (\$7,200)".

**Amendment No. 46**

On page 5, line 42, of said bill, strike out "SEC. 52.", and insert  
"SEC. 43."

**Amendment No. 47**

On page 5 of said bill, strike out lines 46 to 49, inclusive; and on page 6, line 1, strike out "SEC. 54." and insert  
"SEC. 44."

**Amendment No. 48**

On page 6, line 5, of said bill, strike out "SEC. 55.", and insert  
"SEC. 45."

**Amendment No. 49**

On page 6, line 9, of said bill, strike out "SEC. 56.", and insert  
"SEC. 46."

**Amendment No. 50**

On page 6, line 13, of said bill, strike out "SEC. 57.", and insert  
"SEC. 47."

**Amendment No. 51**

On page 6, line 17, of said bill, strike out "SEC. 58.", and insert  
"SEC. 48."

**Amendment No. 52**

On page 6, line 21, of said bill, strike out "SEC. 59.", and insert  
"SEC. 49."

SWING  
KUCHEL  
COLLIER

CALL  
SAM L. COLLINS  
O'DAY

Senate Committee on Conference

Assembly Committee on Conference

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS**

**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 3 and 4 and insert "school districts."

**Amendment No. 2**

On page 3 of said bill, strike out lines 46 to 49, inclusive; and strike out all of page 4.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following Estimated General Fund surplus of June 30, 1947, printed in the Journal:

**Estimated General Fund Surplus, June 30, 1947, and Analysis of Effect of Changes Made in Budget Bill to May 31st and Other Major Measures Under Consideration by Legislature**

Estimated General Fund Surplus, June 30, 1945-----	\$108,940,205
Governor's Budget for 1945-1947 Biennium:	
Estimated Revenues -----	\$518,592,057
Proposed Expenditures -----	482,746,116
Estimated Current Budget Surplus-----	35,845,941
Estimated Free Surplus, June 30, 1947, per	
Governor's Budget -----	\$144,786,146
Less: Increases in Governor's Budget by Assembly	
and by Senate Finance Committee:	
1. Payment of construction items from General	
Fund, instead of Postwar Employment	
Reserve -----	\$12,468,520
2. Employees' emergency salary increases-----	10,940,322
3. Other items amended, net increases-----	930,280
	24,339,122
Estimated Balance of Surplus, if Assembly Bill No. 500	
is enacted as passed by Senate, May 31 -----	\$120,447,024
Less: Surplus Commitments involved in Compromise	
of City and County Postwar Subsidy—Tax Reduction	
Deadlock:	
Senate Bill No. 325—Transfer to Postwar Con-	
struction Fund -----	90,000,000
Senate Bill No. 608—Appropriation for County	
Highway Aid -----	12,000,000
	102,000,000
Balance of Surplus After City and County—Tax	
Reduction Compromise -----	\$18,447,024

*Major Proposals Affecting General Fund Surplus*

**A. SPECIAL APPROPRIATION AND RESERVES:**

1. Additional earmarking for Bond Sinking Fund of 1945 to meet interest and redemption charges to maturity on all general obligation bonds not otherwise provided for (Senate Bill No. 223) ----- \$11,651,490
2. Disaster Damage Reserve to cover possible fire and earthquake damage to State buildings (Assembly Bill No. 847) ----- 3,000,000
3. Reserve for acquisition of beaches (Assembly Bill No. 1112) ----- 15,000,000
4. Equalization fund for elementary schools (Assembly Bill No. 957, passed both houses)----- 3,016,000

Total of above appropriations and reserves.. \$32,667,490

**B. REVENUE REDUCTION MEASURES:**

1. Increase personal exemptions by \$1,000 — personal income tax (Assembly Bill No. 272—3rd conference committee report) ----- \$4,700,000
2. Repeal Truck Tax (Assembly Bill No. 280) --- 7,300,000
3. Sales Tax—"ice exemption" (Senate Bill No. 132, signed by Governor)----- 250,000
4. Possible transfers of 20 per cent of net receipts from "in lieu" tax on motor vehicles, now paid to General Fund, to Motor Vehicle Fund to meet deficit in funds available for support of Department of Motor Vehicles----- 5,055,353

Total of above Revenue Reduction Measures-- \$17,305,353



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.45 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the amendment to Amendment No. 5 to Senate Bill No. 615 refused adoption by the following vote:

**AYES**—Senators Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Jespersen, Keating, Mayo, McBride, Salsman, Seawell, and Tenney—15.

**NOES**—Senators Biggar, Breed, Brown, Crittenden, Desmond, Dilworth, Fletcher, Gordon, Hatfield, Judah, Kuchel, McCormack, Mixter, Parkman, Quinn, Rich, Slater, Sutton, Ward, and Weybret—21.

The question being on the adoption of Amendment No. 5 to Senate Bill No. 615.

**Amendment No. 5**

On page 2 of said bill, after line 44, insert

"(f) In connection with the production or harvesting of any agricultural commodity, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(g) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or commercial packing of dried fruits, dried nuts or dried vegetables, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption."

Amendment read.

**Roll Call Demanded**

Senators Hatfield, Gordon, and Collier demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McCormack, Mixter, Parkman, Quinn, Slater, Sutton, Swing, Ward, and Weybret—19.

**NOES**—Senators Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Jespersen, Keating, Mayo, McBride, Rich, Salsman, Seawell, Shelley, and Tenney—18.

Bill ordered printed, re-engrossed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution No. 27**—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

Resolution read.

**Motion to Amend**

Senator Collier moved the adoption of the following amendments:

**Amendment No. 1**

On page 3, line 13, of the printed bill, as amended, strike out "shall", and insert "may".

**Amendment No. 2**

On page 3, line 17, of said bill, strike out "In any event, the committee"; and strike out lines 18, 19, 20, and 21.

Amendments read and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

Bill read third time, and presented by Senator Collier.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—30.

**NOES**—Senator Dillinger—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—30.

**NOES**—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1045**—An act to repeal Section 3714 of the Political Code and to add Sections 3714 to 3714.26, inclusive, to said code, all relating to county budgets, declaring the urgency thereof to take effect immediately.

Bill read third time, and presented by Senator Cunningham.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—31.

**NOES**—Senators Dilworth, and Donnelly—2.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—30.

**NOES**—Senators Dilworth, and Donnelly—2.

Bill ordered transmitted to the Assembly.

## COMMUNICATIONS

The following communication was received and read, and on motion of Senator Seawell, ordered printed in the Journal:

STATE BOARD OF EQUALIZATION, STATE OF CALIFORNIA

SACRAMENTO 14, June 4, 1945

Senator W. P. Rich, State Capitol  
Sacramento, California

DEAR SENATOR RICH: The 3 per cent Gross Receipts Tax is imposed upon for-hire carriers for the privilege of engaging in the transportation business upon the State and County rural highways. These highways represent a capital investment of over \$1,000,000,000,000. This huge investment is used by for-hire carriers as their major business asset.

Since the highway system is exempt from property taxes, an extremely unfair advantage and subsidy would be extended by the State to highway carriers over rail, water, and air carriers if the 3 per cent tax were to be repealed.

In 1944 railroads alone paid over \$10,000,000 in California property taxes on their rights-of-way and other private capital. In the same year, for-hire highway carriers paid, under the 3 per cent law, a property tax equivalent upon the value of the highways used in their business of approximately \$6,000,000, while they enjoyed 66 per cent of the intrastate transportation, or more than twice the amount of all other types of carriers combined—rail, water, and air.

Repeal of this tax would not only cause an unfair discrimination in the overall tax treatment of competing forms of transportation, but would cause a loss of more than \$10,000,000 a biennium of State revenue from highway taxes at a time when such revenue is sorely needed, as has been thoroughly demonstrated to the Members of this Legislature by the State Department of Public Works and representatives of the cities and counties.

In the last biennium \$13,500,000 was transferred from the State General Fund to the State Highway Fund for expenditure for highways. There are now pending before this Legislature several proposals which would appropriate from the General Fund for highway purposes sums equal to, or greater than, the amount realized from this tax. (Senate Bill No. 608 and Senate Bill No. 625)

If this tax is repealed, the major source of General Fund revenue from highway taxes will be removed, thus causing the appropriations from the General Fund for highway purposes to be made from revenues derived from general taxes imposed upon the people of this State without regard to the benefits received; while the for-hire carriers, who enjoy a special benefit from the use of highways, would be relieved of their contributions to the General Fund for this special privilege. This would impose extremely unfair tax treatment upon the people of this State.

If tax revision is needed in our highway tax system, then such revision should only be made after a thorough study of the entire structure of California's highway tax system by a fact-finding committee. If additional funds are needed for highway purposes, as we believe they are, then certainly any existing highway tax should not at this time be repealed. The entire highway tax structure should be studied, as proposed by Senate Concurrent Resolution No. 27 by Senator Collier, with the view of making such changes in the tax system as will fairly distribute the burden of increased taxes for highway needs. We should not impose unfair tax treatment upon the people by asking taxpayers who pay sales and income taxes to the General Fund to bear the burden of the appropriations for highways and at the same time relieve the operators of heavy trucks and busses from the payment of their proper share of highway use taxes.

Very truly yours,

H. D. ABBOTT

State Transportation Tax Administrator

cc: Senator H. J. Powers

Senator Ben Hulse

Senator Jesse M. Mayo

Senator Ralph E. Swing

Senator Thomas R. McCormack

## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1302**—An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9,

1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507 and 1514 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, and providing for the reversion of certain funds to the General Fund.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 9 of the title of the printed bill, strike out "and 1514", and insert "1514, and 1589".

##### Amendment No. 2

In line 14 of the title of said bill, after "organizations," insert "making an appropriation,".

##### Amendment No. 3

On page 3, line 50, of said bill, after "expend", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

##### Amendment No. 4

On page 3, line 51, of said bill, strike out "now".

##### Amendment No. 5

On page 3, line 52, of said bill, after "Council", insert "on June 30, 1945,".

##### Amendment No. 6

On page 7, line 14, of said bill, strike out "department", and insert "agency".

##### Amendment No. 7

On page 10, lines 14 and 15, of said bill, strike out "of the methods provided for", and insert "the expiration of the period for which it was proclaimed or by proclamation of the Governor declaring the period of a state of extreme emergency to be at an end or as provided".

##### Amendment No. 8

On page 11 of said bill, between lines 35 and 36 insert

"SEC. 34. Section 1589 is added to said code, to read:

1589. (a) Whenever it appears that a state of extreme emergency proclaimed by the Governor in accordance with this chapter will continue for more than seven days, the Governor shall call a meeting of the Disaster Council to commence not later than the expiration of such seven days.

(b) All of the powers of the Governor during a state of extreme emergency proclaimed by him pursuant to this chapter shall terminate with respect to such state of extreme emergency and any other emergency related to or growing out of such emergency when:

(1) The Governor has failed to call a meeting of the Disaster Council within the period prescribed in subdivision (a) of this section, or

(2) The Governor has not within thirty days after proclaiming such state of extreme emergency convened the Legislature for the purpose of legislating on subjects relating to such state of extreme emergency, except when the Legislature is already convened with power to legislate on such subjects."

##### Amendment No. 9

On page 11, line 36, of said bill, strike out "34", and insert "35".

##### Amendment No. 10

On page 12, line 9, of said bill, strike out "35", and insert "36".

##### Amendment No. 11

On page 12, line 13, of said bill, strike out "36", and insert "37".



**Amendment No. 12**

On page 12 of said bill, after line 15, insert

"SEC. 38. Any of the funds made available by Section 1509.9 of said code may be allocated by the Director of Finance to a State agency having had assigned to it any protection or war services activity under the provisions of Section 1540 of said code before said Section 1540 was amended by this act."

Amendments read and adopted.

**Further Amendments to Senate Bill No. 1302****Motion to Amend**

Senator Quinn moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, line 50, of the printed bill, strike out "the", and insert "\$50,000 of any".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 608**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Bill read second time, ordered engrossed, and to third reading.

**Motion to Set Special Order**

Senator Hatfield moved that Senate Bill No. 608 be made a special order of business for Tuesday, June 5, 1945, at 2.30 p.m.

Motion carried.

**Senate Bill No. 268**—An act to add Article 5a, comprising Sections 933 and 994.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 331**—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 154**—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1291**—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 381**—An act to add Sections 13443, 13444, 13445, and 13446 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 1879**—An act to regulate schools of printing, and prohibiting commercial printing in such schools.

#### Motion to Reconsider Waived

Senator Jespersen waived his motion to reconsider the vote whereby Assembly Bill No. 1879 was passed.

Assembly Bill No. 1879 ordered transmitted to the Assembly.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Biggar moved the adoption of the following amendments:

#### Amendment No. 1

In line 6 of the title of the printed bill, as amended, strike out "declaring the urgency hereof", and insert "providing for the handling and disposition of such money,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 6 to 18, inclusive; and on page 2, strike out lines 1 to 37, inclusive, and insert "the Clarke-McNary Fund, which fund is hereby created. Out of said fund there is hereby appropriated, during each fiscal year, to be paid upon claims filed by the Department of Natural Resources and approved by the Department of Finance, such amounts as may be necessary to pay to each county maintaining independently its fire protection organization and with which the State Forester has entered into agreement under Section 4006 of the Public Resources Code or any other provision authorized by law for protection of forest and watershed lands classified under the provisions of the Clarke-McNary Act, and amount determined as follows:

Moneys from State sources paid by the State to the county under the agreement shall be used as qualifying expenditures under the provisions of the Clarke-McNary Act. County funds also expended for fire protection on lands classified under said act shall also qualify under the administration of the provisions of said act. Of the Clarke-McNary funds earned by all such qualifying expenditures in said county there shall be paid to said county such amount of such Clarke-McNary funds received in the ratio of the county qualifying expenditures to the total qualifying expenditures of both State and county in said county. After such payments have been made to such counties the balance remaining in said fund, upon order of the Department of Finance, shall be transferred to the General Fund.

All money received by this State pursuant to the provisions of any other cooperative agreement with the Federal Government pursuant to the provisions of this code and all money received by this State as reimbursement of expenditures made for the account of counties, municipalities, fire districts, corporations, individuals, or others, in accordance with cooperative agreements or contracts, shall be credited directly to the fund and appropriation from which such expenditures were made.

SEC. 2. The limitations expressed in the schedule appended to Item 201 of Section 2 of the Budget Act of 1945 apply during the Ninety-seventh and Ninety-eighth Fiscal Years in respect to allotments of moneys to any of the counties specifically mentioned in said schedule but not to other counties.

SEC. 3. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. The appropriation becomes available for expenditure July 1, 1945."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 2069**—An act to amend Section 4087b of the Political Code, relating to money remaining unclaimed in the treasury of any city, county, or city and county.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 6, of the printed bill, strike out "the superior court of", and insert "a court of competent jurisdiction within".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1082**—An act making an appropriation for the encouragement of agricultural fairs.

**Motion to Re-refer Assembly Bill No. 1082**

Senator Crittenden moved that Assembly Bill No. 1082 be re-referred to Committee on Finance.

Motion carried.

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Con-



stitution of the State by adding Sections 3.1 and 3.2 to Article IX of said Constitution, relating to county superintendents of schools.

Resolution read.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 13, of the printed measure, as amended, after "(3,000)", insert "except that in counties whose population is 2,000 or less according to the last Federal census, the minimum shall not apply".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1391**

Senator DeLap moved that Assembly Bill No. 1391 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Assembly Bill No. 1391**—An act to amend Sections 21, 51, 53, 56, 57, 60, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 554, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1460, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332 of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5, to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations.

Bill read second time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 12, line 4, of the printed bill, as amended, strike out "Insurance Commissioner", and insert "Director of Industrial Relations".

**Amendment No. 2**

On page 12, line 10, of said bill, strike out "Insurance Commissioner", and insert "Director of Industrial Relations".



**Amendment No. 3**

On page 12, line 17, of said bill, strike out "Insurance Commissioner", and insert "Director of Industrial Relations".

**Amendment No. 4**

On page 15, line 41, of said bill, after the period, insert "The commissioner, a commissioner, or a referee in any proceeding before the commission may cause evidence to be taken in other jurisdiction before the agency authorized to hear workmen's compensation matters in such other jurisdictions."

**Amendment No. 5**

On page 28, line 37, of said bill, after "may", and before the colon, insert ", in connection with any matter relating to workmen's compensation insurance".

**Amendment No. 6**

On page 29, line 37, of said bill, strike out "he", and insert "it".

**Amendment No. 7**

On page 29 of said bill, strike out line 43, and insert "board of directors, but subject to its approval."

**Amendment No. 8**

On page 30, line 2, of said bill, strike out "director", and insert "board of directors".

**Amendment No. 9**

On page 6 of said bill, between lines 15 and 16, insert

"144. All employees of the Industrial Accident Commission, who at the time this section takes effect have permanent civil service status in positions in which the duties are in furtherance of the work mentioned in Division 5, shall be transferred to the Division of Industrial Safety without loss of permanent civil service status, and shall continue to be subject to the provisions of the State Civil Service Act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Collier moved that Senate Bills Nos. 973, 974, and 975 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Salsman moved that Assembly Bill No. 154 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Deuel moved that Senate Bill No. 288 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Kuchel moved that Assembly Bills Nos. 16 and 88 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Seawell moved that Senate Bill No. 363 be taken from the inactive file and placed on the second reading file.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 685

Assembly Bill No. 735

Assembly Bill No. 738

Assembly Bill No. 741

Assembly Bill No. 1380

Assembly Bill No. 1553

Assembly Bill No. 1943

Assembly Bill No. 2170

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 685**—An act to repeal Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of the certificate of certified public accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

Referred to Committee on Business and Professions.

**Assembly Bill No. 735**—An act to amend Section 18102 of the Education Code and to repeal Section 18104 of said code relating to the Public School System.

Referred to Committee on Education.

**Assembly Bill No. 738**—An act to add Section 1501.1 to the Education Code and to add Article 3.1 to Chapter 3 of Division 3 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Assembly Bill No. 741**—An act to add Article 4.5 to Chapter 7 of Division 9 of the Education Code, relating to the performance of services for school districts by county superintendents of schools.

Referred to Committee on Education.

**Assembly Bill No. 1380**—An act to amend Section 4095 of the Political Code, relating to the numbering, registration and cancellation of warrants.

Referred to Committee on Local Government.

**Assembly Bill No. 1553**—An act to amend Section 736.3 of the Agricultural Code, relating to stabilization and marketing plans.

Referred to Committee on Agriculture.

**Assembly Bill No. 1943**—An act to amend Section 2957 of the Civil Code, relating to the validity of mortgages on personal property or crops.

Referred to Committee on Judiciary.

**Assembly Bill No. 2170**—An act to amend Section 105 of the Vehicle Code, relating to the Director of Motor Vehicles.

Referred to Committee on Governmental Efficiency.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read the first time:

**Assembly Concurrent Resolution No. 47**—Relative to amending Rule 36 of the Joint Rules of the Senate and Assembly, relative to Legislative Investigating Committees.

Referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 336

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 927

Assembly Bill No. 928

Assembly Bill No. 939

Assembly Bill No. 958

Assembly Bill No. 1157

Assembly Bill No. 1234

Assembly Bill No. 2038

Assembly Bill No. 2074

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 927**—An act to amend Section 227 of, and to add Section 224.1 to, the Civil Code, relating to adoption.

Referred to Committee on Judiciary.

**Assembly Bill No. 928**—An act to amend Sections 224, 226, 227a, and 227aa of the Civil Code, and to add Sections 224p, 224q, and 227aaa thereto, relating to the adoption of children, modifying the procedures therefor, authorizing the disclosure of information relating thereto in certain cases, and penalizing placement of children for adoption by unlicensed persons and advertising such placement by unlicensed persons.

Referred to Committee on Judiciary.

**Assembly Bill No. 939**—An act to amend Section 23 of, and to add Section 23.1 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, and revising the fees and penalties payable by credit unions.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 958**—An act to amend Section 5216 of the Education Code, and to add Sections 6929.1 and 6931.1 to said code, all relating to the supervision of instruction in elementary schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1157**—An act to add Section 23.1 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to costs of examination, audit or investigation.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1234**—An act to amend Sections 106, 154 and 155 of, to add Sections 23.6 to, and to repeal Sections 103, 104, 105 and 156 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2038**—An act to amend Section 7048 of the Business and Professions Code, relating to contractors.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2074**—An act to amend Sections 1 and 19 of, and to add Sections 2.5 and 19.5 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision" approved March 31, 1927, relating to the regulation of credit unions.

Referred to Committee on Financial Institutions.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read the first time:

**Assembly Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX of said Constitution, relating to education.

Referred to Committee on Education.

**REPORTS OF STANDING COMMITTEES****Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Assembly Bill No. 1898

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Constitutional Amendment No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1758

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Resolution No. 60**—Relative to the one hundredth anniversary of the raising of the Bear Flag, and requesting the Governor to proclaim June 14, 1946, as a legal State holiday in commemoration thereof;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fourth day of June, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 57**—An act to amend Section 95 of the State Employees' Retirement Act and Section 21331 of the Government Code, relating to the State Employees' Retirement System, and providing for the election of optional benefits in lieu of retirement allowances;

**Senate Bill No. 215**—An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class;

**Senate Bill No. 260**—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires;

**Senate Bill No. 419**—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 462**—An act to amend Sections 202, 1050.5 and 6050 of, and to add Sections 8305, 8698, 8699, 20544 and 20545 to the Water Code, relating to administration of the provisions of said code;

**Senate Bill No. 515**—An act amending the heading of, and adding Sections 22428, 22429, and 22430 to, Article 5 of Chapter 4 of Division 11 of the Education Code, relating to library districts;

**Senate Bill No. 519**—An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor;

**Senate Bill No. 525**—An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department; And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of June, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 661**—An act providing for the transfer to the Department of Education exclusive jurisdiction and control over certain lands;

**Senate Bill No. 716**—An act to amend Sections 2256, 2257, 2258, 2259, and 2260 and to repeal Sections 2261, 2262, and 2263 of the Public Resources Code, relating to administrative procedure of the State Mineralogist;

**Senate Bill No. 720**—An act to amend Section 8952 and to repeal Section 8953 of the Business and Professions Code, relating to administrative procedure of the Yacht and Ship Brokers Commission;

**Senate Bill No. 721**—An act to amend Sections 8620, 8621, and 8634 and to repeal Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631, and 8633 of the Business and Professions Code, relating to administrative procedure of the Structural Pest Control Board;

**Senate Bill No. 722**—An act to amend Sections 7686, 7686.5, and 7690 and to repeal Sections 7688, 7688.5, 7689, and 7689.5 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers;

**Senate Bill No. 724**—An act to amend Sections 7073, 7091, and 7100 and to repeal Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103, 7104, and 7105 of the Business and Professions Code, relating to administrative procedure of the Registrar of Contractors;

**Senate Bill No. 725**—An act to amend Sections 6776 and 8781 and to repeal Sections 6777, 6778, 8782, and 8783 of the Business and Professions Code, relating to administrative procedure of the State Board of Registration for Civil Engineers; And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of June, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 726**—An act to amend Section 6570 and to repeal Sections 6571, 6572, 6573, and 6574 of the Business and Professions Code, relating to administrative procedure of the State Board of Barber Examiners;

**Senate Bill No. 727**—An act to amend Sections 5560, 5561, and 5570 and to repeal Sections 5562, 5563, 5564, 5566, 5567, 5568, 5569, 5574, 5575, 5576 of the Business and Professions Code, relating to administrative procedure of the California State Board of Architectural Examiners;

**Senate Bill No. 734**—An act to amend Sections 2360, 2364, and 2555 and to repeal Sections 2365, 2366, 2367, 2368, 2369, 2370, and 2371 of the Business and Professions Code, relating to administrative procedure under the chapter on medicine of said code;

**Senate Bill No. 735**—An act to amend Sections 1670, 1674, 1745, and 1747 and to repeal Sections 1671, 1672, 1673, 1675, 1676, and 1677 of the Business and Professions Code, relating to administrative procedure of the Board of Dental Examiners of California;

**Senate Bill No. 738**—An act to amend Section 5019 of the Business and Professions Code, relating to administrative procedure of the State Board of Accountancy;

**Senate Bill No. 739**—An act to amend Sections 11.04 and 11.05 of the Building and Loan Association Act, relating to the administrative procedure of the Building and Loan Commissioner.

**Senate Bill No. 1012**—An act to amend Sections 391 and 401 of, and to add Sections 391.5, and 391.6 to, the Agricultural Code, relating to estrays and trespassing animals.

**Senate Bill No. 1249**—An act to amend Sections 14030, 14031, 14032, 14033, 14034, 14035, and 14036 of the Government Code, relating to Revolving Funds, in the Department of Public Works.

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of June, 1945, at 5 p.m.

SEAWELL, Chairman

#### MOTION TO APPROVE SENATE JOURNAL

Senator Seawell moved that the Senate Journals of Monday, May 28, 1945; Tuesday, May 29, 1945; Wednesday, May 30, 1945; Thursday, May 31, 1945; Friday, June 1, 1945; and Saturday, June 2, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

##### Senate Resolution No. 125

*Resolved*, That the following named person be stricken from the list of Senate attaches, and that his name be stricken from the pay roll of the Senate, to take effect on completion of work June 2, 1945.

J. L. Sherrey, Assistant Sergeant-at-Arms-----	Per day \$8 00
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Resolution read, and on motion of Senator Powers adopted.

By Senator Shelley:

##### Senate Resolution No. 126

WHEREAS, It is imperative that all pertinent facts bearing upon the subjects of (i) employment and unemployment conditions in California, including the development of employment opportunities and the stabilization of employment, (ii) the administration, application, operation and effects of the Unemployment Insurance Act, (iii) activities and operations of the Department of Employment, including the State Employment Service, (iv) the relationships between the Department of Employment and the employment security agencies of the various other States and the Federal Security Agency, including the Social Security Board and the Bureau of Employment Security, (v) the collection and disposal of revenues collected in California under the California Unemployment Insurance Act and the Federal Unemployment Tax Act and, (vi) the requirements and conditions imposed upon the governmental agencies of this State by the agencies of the Federal Government under the Federal Social Security Act and the Federal Unemployment Tax Act with respect to unemployment insurance, should be found, assembled, and analyzed to the end that the Legislature of California may be enabled to act advisedly and judiciously in the premises for the best interests of California in the consideration and enactment of legislation; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed through an interim committee charged with the study of every phase of the foregoing subjects; now, therefore, be it



*Resolved by the Senate of the State of California*, That an interim committee, to be known as the Senate Interim Committee on Unemployment Insurance, is hereby created to consist of five Members of the Senate appointed by the Rules Committee thereof. The committee shall investigate, study and analyze, accurately and in detail, each and every phase of the foregoing subjects for the purpose of considering and enacting legislation; and be it further

*Resolved*, That said committee shall have and may exercise all of the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules and Senate Rules; and be it further

*Resolved*, That said committee shall have power:

(1) To select a vice chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing on the subject matter of this resolution;

(7) To meet at any time during this session of the Legislature or after the final adjournment thereof;

(8) To report to this Senate at any time prior to final adjournment of the Fifty-seventh Regular Session of the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(10) To do any and all things necessary to carry out the purposes and intent of this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.



By Senator Hulse:

**Senate Resolution No. 127**

Relative to a Senate Committee on State and Local Taxation to make inquiry into every phase of taxation, creating the Committee and defining its powers and duties

WHEREAS, The economy of the State of California has during the past four years gone through a revolutionary change, so that industry has assumed an increased importance in relation to agriculture, mining, and commerce; and

WHEREAS, This change has resulted in bringing into the State industries and properties of large value which have not previously been considered in our tax structure, and has created new governmental problems; and

WHEREAS, The increased population incident to this change in our economy has also created new governmental problems and made new demands upon both local and State Government; and

WHEREAS, The war industries, though they have given rise to unprecedented revenues for the State, have created new problems requiring large expenditures of money both by the State and local governments, and the tax returns to local government have not been commensurate with the added costs of the services required; and

WHEREAS, The unprecedented growth of motor transportation and the change over to the use of diesel fuel in motor transportation during the war period, together with the added population of our State and the concentration in industrial centers, has materially changed the requirements for the support of highways, streets, and bridges; and

WHEREAS, The transition from war conditions to peace conditions will create particularly difficult problems for local and State Governments in California, drastically affected both by the demands upon Government and the revenue structure; and

WHEREAS, It appears that there may be large sums in the way of Federal subsidies granted both to the State and local governments, in the postwar period, which will directly affect the revenue structure and will require careful examination to coordinate the disposition of these subsidies equitably into the entire revenue program of both State and local government; and

WHEREAS, From the beginning of the State's History, the ad valorem tax has been and still is the fiscal mainstay of local government and has not been adjusted to meet the new conditions; and

WHEREAS, The administration of taxation by the State and by the local governments has not been modernized, in fact has not been materially changed to bring it into line with present or prospective needs; and

WHEREAS, The relative burden of our several taxes on the different classes of taxpayers and different classes of property has not been fully determined; and

WHEREAS, There are new classes of property and rights that have grown up in the State that are not subject to taxation; and

WHEREAS, The return to peacetime conditions will undoubtedly see the falling off in revenue from our present taxes and tax rates, coupled with a demand for increased and additional governmental services and the need for greater revenues to meet the cost of such services; and

WHEREAS, Neither the State nor local governments have available to their legislative bodies information concerning all the varied phases of this problem adequate to legislative consideration and action in the endeavor to find and effect a solution; and

WHEREAS, For many years the burdens of Government have been increasing both for the State and local governments, including many fixed charges not controllable by administrative bodies but brought about in answer to the demand of the people expressed in continuing legislation or in constitutional requirements, it is imperative that an appraisal be made so that revenues may be made adequate to meet the demands of Government, both local and State, and the burdens of taxation may be equitably distributed upon and among the several classes of property and of taxpayers; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on State and Local Taxation is hereby created and appointed, and authorized and directed, to ascertain, study, and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution, particularly including but not limited to each phase of each and every tax (as herein defined) imposed in this State by any governmental agency (State, local, or Federal); the incidence and burden of each such tax upon property, business and the taxpayer and the ability of the latter to pay, also the productivity of each such tax in relation to its cost of administration and in relation to the purposes for which imposed, each of which factors of each tax the committee shall consider, weigh, appraise and evaluate with each such factor of every other tax; the present and prospective revenue needs of each agency of Government and the most equitable means of meeting each such need, taking into consideration all of the varied forms of tax now in use or that might be devised and put into use, and all existing

sources of revenue and new sources of revenue that might be developed; administrative methods and procedures which now obtain in respect to each such tax and how they might be improved; present and prospective governmental expenditures of each governmental agency and the bearing thereof upon and relation to each and every form of tax now imposed or that might be devised and imposed; and the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subjects of this resolution; and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

4. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

- (a) To select a chairman and a vice chairman from its membership.
- (b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.
- (c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.
- (d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. "Tax" as used herein includes:

- (a) Every kind of levy, collection, or charge made by the State Government, or by any city, county, city and county, political subdivision, public district, or other State or local public agency, or by the Government of the United States;
- (b) Whether imposed for general governmental purposes or for a special purpose;
- (c) Whether a property, transfer, franchise, excise, privilege, or other form of tax;
- (d) Whether for revenue or for the purpose of regulation, an assessment made in the apportionment of benefits conferred by improvements made, or a charge for services or property rendered or delivered, or of any other nature or for any other purpose whatsoever;
- (e) Whether called a tax, an assessment, a fee, a license fee, a registration fee, a rental rate, a sales price, or designated by any other name whatsoever.

7. The sum of thirty-five thousand dollars (\$35,000), or as much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was read first time:

**Senate Joint Resolution No. 30:** By Senators Tenney and Burns—Relative to requesting the President and Congress to obtain from the office of Navy Intelligence, the office of Army Intelligence and the Federal Bureau of Investigation reports on all Japanese ancestry released or to be released to the West Coast, and to make such reports available as a public document.

Referred to Committee on Military and Veterans' Affairs.

#### PRINTING OF REPORT IN JOURNAL

Pursuant to the motion made by Senator Seawell on May 31, 1945, the Report of the Joint Legislative Committee on Rivers and Flood Control, was ordered printed in the Journal of this date.

PARTIAL REPORT TO LEGISLATURE (FIFTY-SIXTH SESSION) ON THE  
PROPOSED KLAMATH AND TRINITY RIVER DIVERSIONS AND  
OTHER PROJECTS IN THE CENTRAL VALLEY OF CALIFORNIA  
BY JOINT LEGISLATIVE COMMITTEE ON RIVERS AND FLOOD  
CONTROL

Pursuant to Chapter 21, Statutes of 1945

SENATOR RANDOLPH COLLIER, Chairman

May, 1945

AUTHORIZATION

Senate Concurrent Resolution No. 18—Relative to creating the  
Joint Committee on Rivers and Flood Control

CHAPTER 21

Filed with Secretary of State January 26, 1945

WHEREAS, It is reported that various agencies of the Federal Government have tentative plans to divert the waters of the Klamath River watershed into the Sacramento Valley which would destroy the recreational facilities of that watershed, and to change the flow of other streams and watercourses in California, and the interests of the State in these plans can not now be adequately expressed by the Legislature for lack of information concerning their authenticity and justification; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:*

1. The Joint Committee on Rivers and Flood Control is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the necessity or desirability of diverting the water of the rivers of California to other watersheds, and the effect of such diversion on the proper development of flood control, irrigation and recreation facilities for the people of this State, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof, and four Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, within or without the State of California but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and



Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding Regular Session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

#### PERSONNEL OF THE COMMITTEE

##### Senate Members

RANDOLPH COLLIER, Chairman	Yreka
OLIVER J. CARTER	Redding
IRWIN T. QUINN	Eureka
THOMAS H. KUCHEL	Anaheim

##### Assembly Members

PAUL DENNY, Vice Chairman	Etna
MICHAEL J. BURNS	Eureka
HARRISON W. CALL	Redwood City
S. L. HEISINGER	Fresno
EVERETT G. BURKHALTER	North Hollywood

##### Office of the Committee

State Capitol, Sacramento, California

#### LETTER OF TRANSMITTAL

May 1, 1945

*To the Members of the Legislature, State of California  
Fifty-sixth Session, 1945*

Pursuant to Senate Concurrent Resolution No. 18, Chapter 21, Statutes of 1945, your Joint Committee on Rivers and Flood Control respectfully submits to you a report on its findings in connection with the proposed Klamath and Trinity River diversions and other related water problems of the Central Valley of California.

Your Joint Committee on Rivers and Flood Control held hearings in Sacramento and San Francisco during January and February, 1945, to ascertain and analyze all the facts relating to the proposed Klamath and



Trinity River diversions. Although the committee was successful in collecting and reviewing a tremendous amount of useful information, it has not, in the limited time available, had an opportunity to fulfill, in its entirety, the appointed task of studying and analyzing all of the facts relating to the necessity or desirability of diverting the water of the rivers of California from one watershed to another.

Neither has the committee had sufficient time available to study the effect of these proposed diversions on flood control, irrigation, and recreational problems in these watersheds.

From the testimony given at the hearings and the data submitted, the committee was able to reach some very definite conclusions regarding investigations of proposed projects by the two Federal agencies which are presently engaged in this work in the State of California. Particularly was it evident that the investigation of the proposed Klamath Diversion by the Corps of Engineers is untimely and the feasibility of the project doubtful.

Both the Corps of Engineers, War Department and the Bureau of Reclamation, Interior Department, are formulating postwar construction programs for the State which need to be given serious and detailed review by proper State authorities. On the Legislature rests a heavy obligation to review these plans and programs so that the greatest public interest will be served by their construction.

Your committee has reached several conclusions and makes certain recommendations. However, uppermost in the minds of the members of this committee is the need for an over-all comprehensive plan for water development for the State of California, and particularly for the Central Valley. The best needs of the State can not be served if one particular problem in water development, such as flood control, is allowed to dominate the thinking of persons associated with the development of our water resources. Far more important, especially to the future generations of this State, is providing solutions for the controversial problems of beneficial use. These are the issues where the most conflict exists and are, therefore, usually avoided if possible. It is on issues such as these, water for power, irrigation, and other beneficial uses, that the future of California depends.

Respectfully submitted.

RANDOLPH COLLIER, Chairman  
PAUL DENNY, Vice Chairman  
MICHAEL J. BURNS  
HARRISON W. CALL  
S. L. HEISINGER  
EVERETT G. BURKHALTER  
OLIVER J. CARTER  
IRWIN T. QUINN  
THOMAS H. KUCHEL

### FOREWORD

As the agricultural, industrial, and commercial enterprises in the State of California expand, the conservation and utilization of the State's water resources becomes an even more pressing problem. The rapid expansion of these activities and the enormous increase in population due to the war makes this problem of greater concern to the people of the State.

While making every possible contribution to the successful conclusion of this war, the people of the State are realizing their serious obligation to a plan for the utilization of their precious natural resources to provide for a peacetime economy.

Prospects for the postwar period indicate there will be, more than ever in the past, opportunities for recreation making necessary the proper development and preservation of our fish and wildlife resources. Future plans for the State of California also indicate there will be a tremendous need for additional water and hydroelectric power for agriculture and industry.

These sharply conflicting needs for the limited water resources of Northern California were apparent in the public concern over the proposed diversion of water from the scenic and recreational area along the Klamath River into the vast agricultural and industrial area in the Central Valley of California. This report is a small contribution to a solution of a difficult problem that lies ahead of the Legislature of this State. Continuing and ever more detailed study must be made so that we may make proper use of our water resources and thereby insure from them the maximum benefits for all the people of the State.

### ACKNOWLEDGMENTS

The committee wishes to extend its thanks to the following agencies for their helpful cooperation:

Bureau of Reclamation, United States Department of the Interior  
Corps of Engineers, United States War Department  
Federal Power Commission  
Fish and Wildlife Service, United States Department of the Interior  
Klamath County Chamber of Commerce  
Division of Water Resources, State of California  
Division of Fish and Game, State of California  
Division of Mines, State of California

### SUMMARY

Early in January, 1945, as a result of investigations by engineers employed by Corps of Engineers, War Department, Siskiyou County residents learned that public hearings would soon be held to consider the local viewpoint regarding the proposed diversion of water from the Klamath River to the Pit River watershed where it would then flow into the Central Valley of California.

Official notice of the public hearings was made by the U. S. Engineer's Office, War Department on January 23, 1945, in a statement signed by Colonel K. M. Moore, District Engineer, San Francisco Division.

As a result of the intense interest and unanimous opposition of Northern California residents, the proposed diversion was brought to the attention of the State Legislature. Senator Randolph Collier of Yreka and Senator Oliver J. Carter of Redding proposed resolutions in the State Senate asking that the Corps of Engineer's investigation be dropped until after the war. The resolution created a Joint Legislative Committee to gather all the facts to protect the interests of the residents of the State of California.

On January 19, 1945, the Senate adopted Senate Concurrent Resolution No. 18. The resolution was adopted in the Assembly on January 24. Senate Concurrent Resolution No. 18 created the Joint Committee on Rivers and Flood Control and empowered the committee to investigate fully the proposed Klamath River and Trinity River diversions which were being studied by the Corps of Engineers and also authorized the committee to investigate other proposed diversions of water from one watershed to another which were contemplated as a part of the State-wide water plan and comprehensive Central Valley Project.

The committee acted quickly and held meetings in Sacramento on January 27, January 29, February 5, and February 19, 1945 and in San Francisco February 6, 1945. The committee also attended and stated its views at public hearings engineered by the War Department in Klamath Falls, Oregon, on February 20th, Yreka, California, on February 21st and Eureka on February 23d.

During these meetings and hearings the members of the legislative committee gathered a considerable amount of data from State, Federal, and local agencies. Representatives of the Corps of Engineers, the United States Bureau of Reclamation, the Federal Power Commission, the State Engineer's office, the State Fish and Game Commission, United States Fish and Wildlife Service, and others were called upon to testify as to their activities and their opinions regarding the proposed Klamath and Trinity River diversions.

The committee submitted several questions of policy to both the Corps of Engineers and the United States Bureau of Reclamation and in reply thereto the committee received some valuable information regarding the conflicting policies of these two Federal agencies which are active in planning, constructing, and operating water development projects in California.

In connection with securing information from Federal agencies, the committee wishes to comment upon the difficulty of obtaining information concerning reports which had not yet been released by the Chief of Engineers in Washington. During the course of the investigation, it was discovered that a report had been made by the Office of the District Engineer of the San Francisco District, and that report had been forwarded to the Office of the Chief of Engineers. A request was made to the District Engineer for the information disclosed in this report and the committee was informed that this report and the information therein could not be given to the committee until the report had been released by the Chief of Engineers in Washington. The committee feels that its power of investigation has been limited to the extent that the information in this report was not made available to the committee. The committee suggests to the agencies of the Federal Government, particularly the Corps of Army Engineers, that this information should be made available



to the official investigating body of one of the States of the United States so that the committee could be fully advised of all of the facts involved in the subject of the investigation.

As a result of the information collected and reviewed by your Joint Committee on Rivers and Flood Control, it has come to some definite conclusions and recommendations. It is evident that water conservation and development should be the subject of serious study by all members of the Legislature of the State of California.

Since this committee has been called into being and has made most of the investigations, the State Legislature has enacted into law Senate Bill No. 981 (Quinn), which was signed and approved by the Governor on May 12, 1945. The bill amended Section 10000 of the Water Code "by excepting the project known as the 'Trinity River Diversion,' which is not approved." And further amending Section 10001 of the Water Code as follows: "Except the project known as the 'Trinity River Diversion' constitutes no part of the State Water Plan."

The effect of this act is to take the Trinity River out of the State Water Plan insofar as the State is concerned, it is no part of the State Water Plan, and this has been declared the policy of the State. In other words, the Trinity River should no longer be considered by any Federal or State agency as part of the State Water Plan.

#### CONCLUSIONS

As a result of the testimony presented and the studies made by the members of the committee, the committee hereby concludes that:

The investigations being conducted in regard to the Klamath River diversions by the Corps of Engineers, War Department, are untimely and uncalled for and are not supported by any local interests whatsoever.

No investigation either by the Corps of Engineers or by the Bureau of Reclamation has shown that the water resources of the Central Valley have been so exhaustively developed that there is a need for diversion of water from the Klamath Basin, now or as far into the future as man can foresee.

Studies and official statements by the Bureau of Reclamation indicate it is doubtful if there ever will be need for diversion of water from the Klamath River Basin.

Preliminary studies indicate that further water requirements of the upper Klamath Basin will make it necessary to develop practically all existing water supply within the Klamath River Basin.

The Bureau of Reclamation studies relative to the Trinity River diversion were expedited because of local interest and the possibility that the Trinity Project could be developed to provide additional war electricity. This need is no longer existent. The enactment of Senate Bill No. 981 (Quinn) has taken the "Trinity River Diversion" out of the State Water Plan.

The amount of water available for diversion from the Trinity River Watershed is considerably less than was shown in early reports by the State Engineer's Office if water requirements in the Trinity River Watershed are to be given priority of use, which must be legislative policy.



The feasibility of the proposed Klamath River Diversions and the proposed Trinity River Diversion are not directly connected with the proposed water development projects within the Central Valley Basin, but can only be diverted into that basin at a tremendous cost, a great economic loss, and the upsetting of the natural conditions of a great water system.

A thorough study of all of the proposed water projects in the Central Valley and their possibilities, is necessary to fully understand whether there is any need or ever will be, to divert any water from other watersheds, and particularly from the Klamath and Trinity Rivers into the Central Valley basin. The full development of waters within the Central Valley should precede any diversion of waters from other watersheds to the Central Valley.

From the studies and investigations made by this committee it is apparent that similar problems which caused the investigation are present in some portions of the Central Valley Project, and no laws should be enacted at this time which would hinder or retard the full and proper development and conservation of the water resources of the State.

#### RECOMMENDATIONS

After a full review of testimony presented and deliberations among the Members of the Joint Legislative Committee on Rivers and Flood Control, the committee makes the following recommendations:

The present Corps of Engineers' investigations of the proposed Klamath River Diversion should be discontinued without further unnecessary expenditure of public funds.

The Bureau of Reclamation should be requested by local residents to investigate water requirements of the entire Klamath River Basin giving full consideration to the irrigation, power, fish and wildlife, recreational, and other beneficial uses for water.

The bureau studies should include investigation of the possibility of lifting water from the Klamath River for irrigation, of the 60,000 acres of irrigable land in Butte Valley and the possibility of diverting water for the irrigation of another 60,000 acres of irrigable land in Shasta Valley. Plans should be formulated so that any seepage water from the proposed irrigation project should be returned to the Klamath River.

The Trinity River Diversion investigations by the Bureau of Reclamation should be concluded as rapidly as possible and with the least additional expenditure of public funds necessary to make full use of the data collected by the Bureau of Reclamation during the past three years. The Bureau of Reclamation should make no recommendation for the construction of projects on the Trinity River.

Legislation should be introduced to strengthen the principles of the "County of Origin" law, now Section 11460 of the State Water Code.

Legislation should be introduced in the State Legislature making it necessary for Federal agencies to show a ratio of costs against benefits for future water development and that such ratio shall include values for fish and wildlife and recreational purposes.

Legislation should be introduced in the State Legislature extending the Klamath River Fish and Game District upstream to the mouth of Little Bogus Creek and provisions should be made for an even and constant flow of water to properly conserve fish life.

That the Joint Legislative Committee on Rivers and Flood Control should be continued as an interim committee of the Legislature to report again at the 1947 Session of the Legislature on other proposed diversions of water from one watershed to another in the State of California.

**MEETING OF THE COMMITTEE, SACRAMENTO, JANUARY 27, 1945**

The committee met on January 27, 1945, 2.30 p.m., at the State Capitol, Sacramento, California, and the following were present:

Senators: Carter  
Collier  
Kuchel  
Quinn

Assemblymen: Burns  
Call  
Denny  
Heisinger

The meeting was called to order by Senator Collier, the author of Senate Concurrent Resolution No. 18.

Senator Collier announced that the organization of the Joint Legislative Committee on Rivers and Flood Control was to be the order of business.

Senator Kuchel moved that Senator Collier be named chairman of the committee. Assemblyman Call seconded the motion, and then moved that the nominations be closed. The motion was carried, and Senator Collier was unanimously elected chairman.

Assemblyman Call moved that Assemblyman Denny be named vice chairman. Senator Carter seconded the motion, and then moved that the nominations be closed. The motion was carried and Assemblyman Denny was unanimously elected vice chairman.

A discussion was had concerning a proposed diversion of waters of the Klamath River Watershed into the Sacramento Valley. Chairman Collier announced that he desired to hold a meeting of the committee on Monday, January 29, 1945, in order to hear statements by public officials of the State of California, by representatives of the United States Army Corps of Engineers.

The chairman announced that Assemblyman Call would act in the capacity of secretary of the committee, and that Senator Kuchel would assist him.

It was moved, seconded and carried that the chairman be authorized to engage the services of a court reporter to report the proceedings of the meeting of the committee and to assist in the preparation of minutes and reports of such meetings.

The meeting then adjourned to convene Monday, January 29, 1945, at 10 a.m., in Room 415, State Capitol, Sacramento, California.

**MEETING OF THE COMMITTEE, SACRAMENTO, JANUARY 29, 1945**

The next meeting of the committee was in Room 415, State Capitol, Sacramento, California, Monday, January 29, 1945.

The meeting was called to order at 10.15 a.m., by the chairman, who announced that the meeting was called to hear informally statements of various State and Federal officials concerning the proposal of a branch of the Federal Government to divert the waters of the Klamath River Watershed into the Sacramento Valley.

Senator Carter suggested that the committee hear from Mr. A. D. Edmonston, Deputy Engineer, State Division of Water Resources. Mr. Edmonston addressed the committee upon the subject of the proposed diversion of water from the Klamath River Watershed into the Sacramento River Basin.

Mr. R. S. Calland, Assistant Regional Director, Region II, Federal Bureau of Reclamation, and Mr. S. A. Kerr, Regional Planning Engineer of the Bureau addressed the committee. A summary of their statements is hereto appended.

As a result of discussion by all members of the committee, it was agreed that inasmuch as in 1924, the people of the State, by their enactment of an initiative proposal, created the Klamath River Fish and Game District, consisting of the Klamath River, and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in Siskiyou County to the mouth of the Klamath River in Del Norte County, and that the people had thereby prohibited any dam or other artificial obstruction in any of the water of such Fish and Game District, and that it was provided further, that any artificial obstruction so constructed or placed or maintained in that district was a public nuisance. The placing of any obstructions on the Klamath River, such as the erection of any dam thereon, if accomplished on such portions of the river as lie outside the boundaries of the district, would violate the spirit of the aforesaid initiative of the people, if not the initiative itself. See Exhibit C hereto appended.

It was pointed out that since 1924, the Klamath River Fish and Game District has been of tremendous recreational value to countless thousands of sports-loving Californians each year, and that the diversion of water from the Klamath River would not merely constitute a crime, but would emasculate the river's use for recreational purposes.

Mr. H. L. Ricks, President of the Fish and Game Commission of the State of California, and Mr. A. C. Taft, Chief of the Bureau of Fish Conservation, Division of Fish and Game, expressed to the committee their opinions of the effect of such a diversion and that it could conceivably dry up the river in seasons of low water and deprive sports-minded people of the State of this great recreational area. See the memorandum submitted to the committee by the Division of Water Resources, State Department of Public Works, concerning the proposed diversion of water from the Klamath River Watershed into the Sacramento River Basin. (Exhibit A.)

As a result of testimony by representatives of the Federal Bureau of Reclamation, the fact was presented that the bureau recognizes and respects water rights under State law. It was the opinion of the members of the committee, that the Bureau of Reclamation would not, under the Federal statutes governing its duties, enter into any diver-



sion of the water of the Klamath River. It was developed that the Trinity River, one of the main tributaries of the Klamath River, has no present diversion of water, although there is some gold dredging intermittently done on parts of it, and that there is presently some investigation on the part of the Bureau of Reclamation on the proposal to divert the waters of the Trinity River into the Sacramento. There are, however, no present plans on the part of the bureau to divert waters of the Klamath into the Sacramento Basin.

In its investigations of proposed projects, the Bureau of Reclamation considers all relevant data bearing upon the question of economic feasibility of the project or plan. Such data include questions of the potential effect on fish and game. The Fish and Wildlife Service is called upon for factual information on this point. Questions of salinity repulsion, flood control and irrigation all enter into consideration. This, it was believed, is not the case in projects proposed and investigated by the U. S. Army Corps of Engineers, whose major, if not sole, consideration, is that of flood control.

The committee was of the opinion, after listening to the statements of various witnesses, that there was absolutely no requirement for flood control in the proposed diversion of the waters from either the Klamath River or the Trinity River; but that it was possible for such a diversion to assist in the development of hydroelectric power. However, the need for additional power which would result from any Klamath diversion, was not demonstrated as a result of the testimony of witnesses present.

It was believed that any diversion on the Klamath River would have a widespread effect, not alone on its recreational value, but also on industry and the future economic development of the land through which it flows. As an example of this, it was pointed out that seven new lumber mills have been started in Humboldt County in the past year, and that they utilize the Klamath River for lumber floating, which would be impossible were any appreciable quantity of water diverted.

So far as the Bureau of Reclamation is concerned, the committee was specifically informed that no project, actual or contemplated, for the Klamath, was under consideration, but that at the request of some local organizations including the Trinity County Board of Supervisors, an inquiry was being conducted as to the feasibility of diversion of waters from the Trinity. The testimony of Bureau of Reclamation representatives is summarized in the appendix.

The committee was of the opinion that, if possible, representatives of the Army Corps of Engineers should be heard from, as respects the proposed plans for Klamath Diversion, and the reasons advanced therefor.

The committee read portions of the report to Congress (H. R. Documents No. 181, 1933) by the War Department, which, as of the time of the report, looked with disfavor on any diversion of the waters of Klamath River, and the committee raised the question as to what had now motivated a reconsideration of the subject.

The chairman announced that a meeting would be held in the State Building at San Francisco, Tuesday, February 6, 1945, at 10 a.m., to hear from representatives of the Corps of Engineers, if it were possible,



to arrange for their presence. He further announced that he had delegated to Senator Kuchel the task of accumulating some data for the committee, and to Assemblyman Call the duty of inviting the representatives of the Army Corps of Engineers to be present at the next meeting.

The meeting was then adjourned.

#### MEETING OF THE COMMITTEE, SACRAMENTO, FEBRUARY 5, 1945

The committee met at the State Capitol, Sacramento, California, on February 5, 1945. The meeting was called to order by the chairman, who explained that the meeting originally scheduled for this day in San Francisco was postponed until February 6th at San Francisco at 10 a.m.

This change was effected in order that members of the committee would have the opportunity to meet informally with the Deputy Chief of the U. S. Army Corps of Engineers, Major General Robbins, who is in Sacramento for today only.

All members present received statistical and informative material on the question of diversion of the waters of the Klamath River. The meeting was adjourned, the chairman announcing that any member of the committee was invited to attend the informal conference with Major General Robbins.

An informal meeting was held later in the day between Major General Robbins, Deputy Chief of the Army Corps of Engineers, and members of the legislative interim committee on the proposed diversion of waters of the Klamath River. Attending were: Senator Randolph Collier, Chairman; Senators Oliver Carter and Thomas H. Kuchel; Assemblymen Paul Denny and S. L. Heisinger.

General Thomas M. Robbins informed the committee that the reinvestigation of the Klamath River was authorized by Congress in 1937, Section 5, Publication No. 406, Seventy-fifth Congress, H. R. 7646, approved August 28, 1937; and that the people of those sections concerned would be given ample opportunity to be heard. He stated that the will of the people would prevail in arriving at any decision, and that if the people opposed diversion of Klamath River waters, no diversion would be made.

Senator Collier, spokesman for the committee, stated that in his opinion, the people of the northern counties were unanimously opposed to diversion of the Klamath, and that the State of California has spoken against such a program since 1924, when the Klamath Fish and Game District was voted and all types of obstruction on the Klamath, within that district, were prohibited.

Under the new law, recently enacted, all Army Engineer investigations, authorized by Congress, must be cleared through the authorities of the State in question, before being finally forwarded to Congress for approval.

#### MEETING OF THE COMMITTEE, SAN FRANCISCO, FEBRUARY 6, 1945

Chairman Collier called the meeting to order at 10.30 a.m.

After some preliminary remarks regarding the purposes of the meeting and the purposes of the committee, he called upon Col. K. M. Moore to explain the purpose and nature of the investigations on the proposed

Klamath River Diversion. Col. Moore was assisted in his testimony by Mr. Otto Von Seggern, Civil Engineer for the Corps of Engineers. The greater part of the day was taken up with testimony by Col. Moore and Mr. Von Seggern.

In the afternoon a brief testimony was given by Dr. Richard Van Cleve, California State Fish and Game Commission, Mr. Walter Bradley, State Mineralogist, State Division of Fish and Game, and Mr. Leslie F. Hubbard, representative of the Northern California fish industry.

Toward the conclusion of the hearing on February 6th, Senator Carter proposed a number of questions regarding the Klamath River and Trinity River diversions. He suggested that these questions be submitted to both the Corps of Engineers and the U. S. Bureau of Reclamation for reply so that the committee could have the benefit of written statements by each of these two investigating Federal agencies.

#### MEETING OF THE COMMITTEE, SACRAMENTO, FEBRUARY 19, 1945

The next meeting of the committee was at the State Capitol, Sacramento, February 19, 1945, 10 a.m.

The hearing was called to order by Senator Collier, Chairman, at 10.15 a.m., who announced that the hearing was called to hear, informally, statements of various State officials concerning the proposal of a branch of the Federal Government to divert the waters of the Klamath River Watershed into the Sacramento Valley Watershed.

Senator Collier suggested that the committee hear from Mr. John C. Beebe, Regional Administrator, Federal Power Commission. Testimony of Mr. Beebe appended hereto and marked Appendix IX.

Senator Collier then suggested that the committee hear from Mr. Raymond Matthew, State Engineer's Office. Testimony of Mr. Matthew appended hereto and marked Appendix X.

Senator Collier next suggested that the committee hear from Lt. Colonel Frank E. Bonner, 100 Manor, Piedmont, who is Consulting Engineer for the Eureka Chamber of Commerce. Testimony of Lt. Colonel Bonner appended hereto and marked Appendix XI.

There being no further business to come before the committee, it was adjourned at 3.40 p.m. to meet at the call of the chairman.

#### PUBLIC HEARINGS, CORPS OF ENGINEERS, KLAMATH FALLS, OREGON, FEBRUARY 20, 1945

The first of three public hearings conducted by the U. S. Army Engineers on the proposed Klamath and Trinity River diversions opened in Klamath Falls, Oregon, February 20, 1945. The Klamath Chamber of Commerce, representing 30 organizations in the upper Klamath Basin, and other basin interests, testified that the Klamath Basin has an ultimate need for all of its water and forcibly opposed any diversion of the water from that area.

William Wales, civil engineer and State Watermaster, who made the engineering study for the Chamber of Commerce, pointed out that the Klamath Basin will need all of its water for maximum irrigation expansion. County Agricultural Agent C. A. Henderson told of the agricultural history of the basin and showed that changing crop conditions demanded more water.

As the hearing progressed, it was pointed out repeatedly by Klamath interests that there would be an ultimate need for the so-called "surplus" water in the Klamath Basin and, if such water is diverted before this area reaches its maximum development, the Klamath Basin has no guarantee to a prior right to the water once it has been diverted into the Central Valleys. Consideration must also be given to the present need for such water during periods of drought.

It developed that the U. S. fish and wildlife agents have made little study thus far of the effect of any of the proposed diversion schemes on fish and wildlife in the Klamath Area. Surveys would be required over a period of years to complete information on this aspect of the investigation.

Dr. P. R. Needham, scientist for the Oregon Game Commission, appeared at the hearing and warned that the drying up of the Klamath River to Keno would ruin a fine rainbow trout stream, thus endangering recreational facilities on the Klamath River.

Numerous organizations, both those on the chamber brief and others, made antidiversion representations at the hearing. Among others appearing were the Klamath Indians, opposing the proposed Sprague River Reservoir which they find threatens to deprive them of their land the government agreed to protect, the Klamath unit of the International Woodworkers of America, CIO, and F. F. McCready, who pointed out the proposed diversion of water would inundate much of the region's valuable cattle land. Appended hereto under Appendix XII is a brief presented by Klamath Chamber of Commerce including organizations, agencies, and individuals concurring in brief by Klamath Chamber of Commerce and tables on agricultural production addressed to U. S. Engineers Office.

**PUBLIC HEARINGS, CORPS OF ENGINEERS, YREKA, CALIFORNIA,  
FEBRUARY 21, 1945**

At the second public hearing conducted by the U. S. Army Engineers in Yreka, California, on February 21, 1945, Superior Judge James M. Allen of Siskiyou County testified that any taking of water from the Klamath River Watershed would harm the area's recreational, agricultural, mineral, navigation, timber, and power resources. Judge Allen represented the northern California resources protection committee vigorously opposing any proposed diversion of water from the Klamath area.

Others testifying at the Yreka hearing were Senators Randolph Collier, Yreka, Oliver J. Carter of Redding, and Assemblyman Paul Denny of Etna.

Appended hereto is the brief submitted by Hon. James M. Allen, Chairman, Northern California Natural Resources Protective Committee under Appendix XIII and the Statement by Senator Oliver J. Carter at Yreka February 21, 1945, under Appendix XVII.



**PUBLIC HEARINGS, CORPS OF ENGINEERS, EUREKA, CALIFORNIA,  
FEBRUARY 23, 1945**

At the third public hearing held in Eureka, California, on February 23, 1945, the U. S. Army Engineers were told that any alternative proposal to divert water from the Klamath and Trinity Rivers would depreciate Indian rights and seriously endanger commercial fishing.

O. M. Boggus, Superintendent of the Hoopah Indian agency, testified that the 1500 Indians along the Klamath River had been guaranteed their water and fishing rights by the Federal Government and that any diversion of this water would depreciate, if not entirely destroy their fishing.

Lloyd Byrne of Crescent City, California, testified that 1100 commercial fishermen along the north coast would be virtually put out of business and that the diversion would destroy the Klamath River spawning beds.

State Senator Irwin T. Quinn, of Eureka, objected to any diversion from the Klamath or Trinity Rivers and stated that in his opinion the Central Valleys do not need water from the upper Klamath River.

Judge C. A. Paulsen, representing the Supervisors of Trinity County, stated that this area was not concerned with matters relating to the main Klamath River. He added that he was not in a position to state whether or not the proposed Trinity River Diversion would be beneficial to the area in the vicinity of Weaverville. He suggested that a decision in this regard should await submission of plans. He stated that the supervisors of Trinity County had endorsed the Bureau of Reclamation's plan to investigate the Trinity River Diversion. "That endorsement," he stated "is still good."

**APPENDIX I**

**Notice of Public Hearings, War Department**

**January 23, 1945**

**WAR DEPARTMENT**

**UNITED STATES ENGINEER OFFICE  
74 NEW MONTGOMERY STREET  
SAN FRANCISCO, CALIFORNIA**

**Notice of Public Hearings to Be Held at Klamath Falls, Oregon, and at Yreka  
and Eureka, California, on Comprehensive Report on Klamath River  
and Tributaries, Oregon and California**

**TO WHOM IT MAY CONCERN:**

A comprehensive survey report of the entire Klamath River System in Oregon and California is in preparation by the Corps of Engineers, U. S. Army, with a view to preparing a general, overall plan for the most beneficial development, conservation, and use of the waters of the entire river system. The investigation was authorized by the Flood Control Act approved August 28, 1937 (Public No. 406, Seventy-fifth Congress, First Session) and also is being made as a review of the report entitled "Klamath River, Oregon and California," contained in House of Representatives Document No. 181, Seventy-third Congress, Second Session, which itself was made under the provisions of House Document



No. 308, Sixty-ninth Congress, First Session in 1933. The present investigation embraces flood control, navigation, irrigation, reclamation, hydroelectric power, fish and wildlife, recreation, and otherwater-use features, and is being made in close cooperation with the Department of Agriculture, the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior and the Federal Power Commission.

In order that the views and desires of all interested parties may be known, and to obtain all additional information and data possible bearing on the subject, public hearings will be held by the undersigned on this matter as follows:

At 10 a.m., Tuesday, February 20, 1945, in the American Legion Hall, Klamath Falls, Oregon, to consider matters related to the Upper Klamath River System, including the existing power installations at Copeco;

At 10 a.m., Wednesday, February 21, 1945, in the Chambers of the Board of Supervisors, Court House, Yreka, California, to consider matters related to the Klamath River;

At 10 a.m., Friday, February 23, 1945, in the Chambers of the Board of Supervisors, Courthouse, Eureka, California, to consider matters related to the Lower Klamath River and its tributaries, including the entire Trinity River.

All interested parties are invited to be present or to be represented at any of the above times and places, particularly the officials of any State, county, city, town, or local association whose interests may be affected by the plans under consideration for development of the river system. They will be given an opportunity to express their views and to present any pertinent information and data and to suggest changes considered desirable and to discuss the plans under consideration. All pertinent matters so presented will be given consideration in the final preparation of the report. Reasons should be advanced to justify statements presented and the text should be confined to the subject under consideration. Oral statements will be heard, but for accuracy of record, all important facts and arguments should be submitted in writing as the reports of the hearings will be forwarded for consideration by the reviewing authorities. Written statements (six copies) may be handed to the undersigned at the hearing or mailed to him beforehand. Legible reduced copies of maps and prints are acceptable when their substitution for the originals will reduce the bulk of the submitted material.

The plans tentatively being studied at this time contemplate the storage of flood waters in new reservoirs in the upper Klamath and the Trinity River basins and the diversion of the developed surplus waters to the Central Valley Project of California for future hydroelectric power and irrigation use.

It has been found that the construction of a large reservoir on the Sprague River to supplement the existing storage on Upper Klamath Lake would develop an adequate and dependable supply for all the ultimate water needs in the basin above Keno and would also provide additional surplus water for diversion via the Klamath-Pit Route. In

this scheme of development, the controlled waters would flow through existing natural channels to Lake Ewauna at Klamath Falls. From this point, a portion of the surplus waters would be routed through a main conduit following the existing waterways to Tule Lake and thence through diversion works into the Pit River Basin. Other surplus waters would be routed in improved natural channels through Klamath Straits near Holland of Ady to permanent wildlife refuges on Lower Klamath Lake and thence through the existing drainage tunnel into Tule Lake, where they would join the other waters in the main conduit.

Consideration has been given to the Trinity-Sacramento Diversion for supplying additional irrigation water to the Central Valley Project and for developing hydroelectric power as contemplated in the California State Water Plan. The utilization of conservation reservoirs on headwater streams of the Trinity basin and on other tributaries of the lower Klamath, primarily for improving the propagating migratory fish life in the lower basin, together with the wildlife problems of the Upper Klamath Basin, are under joint study with the U. S. Fish and Wildlife Service and are considered as very important elements that need to be properly evaluated before any final conclusion and recommendations are reached on plans of development for the entire watershed.

It appears that the Klamath-Pit and the Trinity-Sacramento diversions would be economically feasible when the need for additional irrigation water supplies develops in the Central Valley Project of California. Hence, the primary purpose of this investigation is to set forth and properly evaluate all of the important elements, with a view to formulating a program of efficient conservation of the diverse water resources of the entire Klamath watershed. It is hoped that a useful report can be prepared that will serve as a guide in project planning and for future action so as to foster an orderly development of the Klamath Basin and its great potentialities to the benefit of all the various interests.

(Signed)

K. M. MOORE,  
Colonel, Corps of  
Engineers, Dis-  
trict Engineer

#### APPENDIX II

##### Statement by Deputy State Engineer, A. D. Edmonston (Exhibit A)

The Klamath River System drains an area of approximately 15,500 square miles in Northern California and in Southeastern Oregon. The mean seasonal run-off of the system is about 11,200,000 acre-feet. The *maximum* seasonal run-off of record (1911-1926) was 16,800,000 acre-feet in 1920-1921. The *minimum* seasonal run-off of record was 3,740,000 acre-feet in 1923-24.

The Trinity River, a tributary of the Klamath River, drains an area of 2,965 square miles entirely in California. The *mean* seasonal run-off of the Trinity River measured at Weitchpec, at its junction with the

Klamath River, is estimated to be about 4,400,000 acre-feet. The *maximum* seasonal run-off of record (1932-1944), near Hoopa, 11 miles above the mouth of the Trinity River was 7,601,000 acre-feet in 1938 and the *minimum* seasonal run-off of record was 1,900,000 acre-feet in 1934.

The water resources of the Klamath River have been investigated and reported upon by Federal and State departments and private concerns.

The following reports are on file in the office of the Division of Water Resources:

1. Report on Survey of Canal from Klamath River to Shasta Valley, Siskiyou County, California, by Symmes, Means and Chandler, August, 1913

This report finds that the most feasible location of a canal from Klamath River to Shasta Valley in Siskiyou County would divert from Klamath River at elevation about 4,080 feet, just below Keno. Based upon a capacity of 600 second-feet, the cost of the canal is estimated at \$4,274,000. The conclusion of the report is as follows:

"Assuming an area of 75,000 acres irrigable from this canal, the cost of main canal will be \$57 per acre. The cost of distribution system should not exceed \$15 per acre, if the laterals are built to each quarter section. The total cost would, therefore, approximate \$72 per acre of land."

2. Report of Major P. M. Norboe, February 27, 1920

Report to W. F. McClure, State Engineer of California, on investigation of a project for an irrigation district in Siskiyou County, located in Shasta Valley, ten to eighteen miles southeast of Yreka. Petition—15,600 acres.

Source of supply—Shasta River.

Conclusion—If the area be reduced so as to contain, say, 4,300 acres of irrigable land, the 40 second-feet will then irrigate it at the rate of 106 acres a foot, and when the full claim of 63 second-feet is realized, duty will be 68 acres to the foot.

3. Report of Homer J. Gault and Foster Towle on Klamath-Shasta Valley Reclamation Project—California, April, 1923

#### SYNOPSIS

"1. The object of this investigation is to determine the feasibility of reclamation of certain lands in the Shasta Valley, Siskiyou County, California, by diverting the water of Klamath River. The plans involve the development of a large amount of hydro-electric power. The investigation has been made by the Reclamation Service under an agreement with the State of California and the Klamath-Shasta Valley Irrigation District.

"2. The irrigable area is about 65,000 acres. Agricultural land in the valley is worth \$5 to \$20 per acre without irrigation, and irrigated land is valued at \$75 to \$100 per acre, not including the value of improvements. The land is practically all in private ownership, and about 38 per cent of it is now in cultivation by dry farming.

"3. Four plans are presented, differing in the area to be reclaimed and the arrangements for power development. Under each plan 2,584 acres would be served by pumping. The cost of the irrigation project



is so inseparably involved with power development that the cost for irrigation alone can not be estimated on present information. The California-Oregon Power Company owns and operates two hydro-electric power plants on Klamath River between Klamath Falls and Shasta Valley, and it has made application to the Federal Power Commission for further developments on this section of the river. Any diversion of water for irrigation would result in reduced power possibilities from water of the Klamath River between Keno and Willow Creek, and also would involve power rights of the California-Oregon Power Co., both at their existing plants and in relation to their prospective developments. On account of the vested rights held by the power company it is suggested that in order to arrive at more definite conclusion regarding cost for irrigation the district should take up negotiations with the California-Oregon Power Company concerning the diversion of water for the project and the development and marketing of power incidental to the irrigation plans herein outlined. *Whether the irrigation project is feasible will depend upon the terms of such an agreement as can be reached with the power company, since without certain financial credits from power developed the project is too costly to be feasible at present.*"

SUMMARY OF COST OF VARIOUS PLANS

Plan	Acres irrigated	Total cost	Cost per acre
I -----	65,000 acres	\$29,674,465 <sup>a</sup>	\$456
II -----	65,000 acres	21,392,640 <sup>b</sup>	329
III -----	32,000 acres	11,014,198 <sup>b</sup>	344
IV -----	25,000 acres	5,019,771 <sup>b</sup>	201

<sup>a</sup> Includes cost of six proposed power plants taking water from the canals.

<sup>b</sup> Not including cost of power development.

#### 4. Klamath River and Its Utilization, by E. C. LaRue, 1923

The purpose and scope of the report are given in the preface as follows:

"Information relating to the water resources of the Klamath River Basin has been collected by many agencies but these data have never been brought together so that a broad view of the possible utilization of the whole river could be obtained. The principal facts relating to this subject have been assembled and studies have been made of the possibility of controlling the flow of the river by means of storage. It is the purpose of this report to call attention to the possibilities for development of the water resources of the basin. It is hoped that the data here presented will form the basis for a comprehensive plan of development, and that future development in the basin will not be inconsistent with this plan."

No conclusions are reached or recommendations are made in the report.



5. Report to the Federal Power Commission on the Water Powers of California, by Frank E. Bonner, District Engineer, U. S. Forest Service, 1928

This report presents a comprehensive plan of power development on the Klamath River and its tributaries.

The ultimate power development on the Klamath River, exclusive of the Trinity River, as summarized on page 46 of the report is as follows:

<i>Plant</i>	<i>Installed capacity, kilowatts</i>	<i>Average head, feet</i>	<i>Average usable flow, second-feet</i>	<i>Average output, kilowatts</i>
Westside <sup>1</sup> -----	3,000	48	-----	-----
Eastside <sup>2</sup> -----	3,000	47	1,200	3,705
Keno <sup>1</sup> -----	30,000	227	1,200	17,706
Bear Springs -----	75,000	510	1,200	39,780
Frain -----	42,000	210	1,200	16,380
Canyon -----	26,000	135	1,200	10,530
Salt Caves -----	32,000	165	1,200	12,870
Copco No. 1 <sup>2</sup> -----	25,000	120	1,350	10,530
Copco No. 2 <sup>2</sup> -----	29,000	157	1,350	13,777
Brush Creek -----	15,000	105	1,350	9,214
Fall Creek <sup>2</sup> -----	1,900	730	26	1,140
Shasta River <sup>2</sup> -----	300	40	20	50
Scott River -----	60,000	925	570	31,635
Big Bend -----	100,000	375	2,975	72,515
Crawford Creek -----	75,000	220	3,700	52,910
Dillon Creek -----	45,000	130	3,700	31,265
Ishi Pishi -----	110,000	250	4,300	69,875
Slate Creek -----	110,000	200	5,250	68,250
Jackman -----	150,000	200	7,900	102,700
(Salmon River				
Mathews Creek -----	10,000	600	175	6,825
Forks -----	10,000	425	225	6,215
Butler Creek -----	20,000	420	450	12,285
Wooley Creek -----	15,000	210	500	6,825
<b>Total</b> -----	<b>987,200</b>			<b>596,982</b>

<sup>1</sup> Constructed to partial capacity.

<sup>2</sup> Constructed to ultimate capacity.

"The first six plants listed above, with aggregate output of 88,101 kilowatts, are in Oregon, leaving the net output of plants in California 508,881 kilowatts.

"The seven plants which are now operating along the Klamath River have a total capacity of 60,725 kilowatts and an average annual output of about 265,000,000 kilowatt-hours (30,250 kilowatts). Of the existing plants, the three which are situated in Oregon have a total capacity of 4,525 kilowatts and average production of around 27,000,000 kilowatt-hours (3,080 kilowatts)."

The ultimate power development on the Trinity River is summarized on page 53 of the report as follows:

## ULTIMATE DEVELOPMENT — TRINITY RIVER

<i>Plant</i>	<i>Installed capacity, Kw.</i>	<i>Average head, Ft.</i>	<i>Average usable flow, Sec. Ft.</i>	<i>Average output, Kw.</i>
Trinity diversion				
Fairview -----	25,000	200	1,077	14,000
French Gulch -----	50,000	485	1,067	33,637
Redding -----	75,000	500	1,208	39,260
Lower River				
Steiner Flat -----	12,000	175	340	3,867
Helena -----	10,000	170	655	7,238
Swede -----	8,000	130	655	5,534
Ironside -----	60,000	415	1,187	32,019
Horse Linto -----	50,000	245	2,336	37,200
Tributaries				
Stuart Fork No. 1 -----	2,700	560	50	1,680
Stuart Fork No. 2 -----	5,500	1,150	60	4,140
Stuart Fork No. 3 -----	2,500	380	75	1,850
Canyon Creek -----	2,300	520	16	500
	303,000			180,925

"The last noted is the only plant in the above list which is constructed at present. Other existing plants in the Trinity Basin are the Carrville plant on Coffee Creek and the small development of Trinity Dredging Co. at Fairview, neither of which are in service at present. The aggregate capacity of the three existing plants in the drainage basin is 2,775 kilowatts and the average output capability about 7,000,000 kilowatt-hours (800 kilowatts)."

The following is quoted from pages 41 and 42 of the report:

"Klamath River below Scott River has fall of only 13 feet to the mile, but on account of the excellent dam sites and large water supply it is very favorable for power development. At present, however, development is blocked by an initiative measure sponsored by the State Fish and Game Commission and adopted in 1924. The text of the act follows:

"SECTION 1. The Klamath River Fish and Game District is hereby created and shall consist of the Klamath River and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in the County of Siskiyou to the mouth of the Klamath River in Del Norte County.

"SEC. 2. Every person, firm, corporation, or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of misdemeanor and upon conviction must be fined not less than five hundred dollars (\$500) or be imprisoned in the county jail of the county in which the conviction shall be had not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance.

"It is reasonable to anticipate that as the need for water power expands and the problem of passing fish over high dams is satisfactorily solved, the present State prohibition of dams may be dissolved by the repeal of the act. The water-power resources involved are much too valuable to the people of the State to remain unutilized indefinitely. In anticipation, therefore, of the ultimate repeal of the law the plan of development shown in Plate 15, is presented. The relation of the various dam sites will permit almost the entire available head to be used down to a point 30 miles from the ocean, at elevation 47 feet."

5a. Report to the Federal Power Commission on the Uses of the Trinity River, California, by Board of Engineers, D. C. Henny, U. S. Grant, III, W. F. McClure and E. W. Kramer, February 18, 1924

The conclusions of the report are:

"a. The full use of Trinity River water makes essential large storage at its headwaters where required storage facilities exist.

"b. Potential power of Trinity River water regulated by available storage is slightly greater if flowing down its natural course than if partially diverted.

"c. Irrigation possibilities in the Trinity Basin are relatively small and will not be adversely affected by diversion.

"d. Sacramento River water supply and potential means of regulating it are sufficient for the irrigation of the entire Sacramento Valley.

"e. The joint water supply of the Sacramento and San Joaquin rivers, and means of regulating it, are insufficient for the irrigation of both valleys.

"f. Diversion of Trinity River water will permit more complete irrigation development in the joint valleys than is otherwise possible, involving a potential addition of at least 160,000 acres of irrigated land.

"g. Trinity River water, if diverted, is likely to be used on the west side of the Sacramento Valley; thereby permitting later Sacramento storage development to supply a portion of the lower San Joaquin Valley.

"h. The only important industrial use made of Trinity River water is in connection with gold dredging. Diversion will not interfere with this industry. Storage above diversion may flood prospective dredging lands in the reservoir site; which fact does not justify delay in reservoir construction.

"i. Navigation is confined to Klamath River below the mouth of Trinity. It may be interfered with to a small extent by diversion, which on the other hand may benefit Sacramento navigation.

"j. *The advantages of diversion greatly outweigh its disadvantages.*"

The recommendations of the report are:

"In harmony with the above it is recommended:

"a. That no power rights be granted to prospective Trinity River water users which will interfere with ultimate diversion of Trinity water to the Sacramento Valley.

"b. *That any permission to divert water from the Trinity River to the Sacramento Valley provide for the maintenance of a flow of at least 20 second-feet in the Trinity River below the point of diversion.*"

6. Bulletin No. 25 "Report to Legislature of 1931 on State Water Plan," Division of Water Resources, State Department of Public Works, 1930, and Bulletin No. 26 "Sacramento River Basin," Division of Water Resources, State Department of Public Works, 1931

The foregoing reports were prepared pursuant to Chapter 832, Statutes of 1929. The coordinated State Water Plan as presented in the reports prepared pursuant to that were adopted by the Legislature in 1941. (Statutes 1941, Chapter 1185.)

The following is quoted from pages 213 and 214 of Bulletin No. 26.

"In addition to the waters of the Sacramento River Basin which may be regulated for all uses by means of reservoirs, other waters could be imported into the basin from watersheds in which there is a surplus over the ultimate future water requirements in those watersheds. The streams from which it is physically possible to divert a part of the flow into the Sacramento River Basin are the Eel River; the upper Klamath River; and the Trinity River, a branch of the Klamath River.

"The Eel River water could be diverted into Clear Lake which is on Cache Creek, a Sacramento River Basin stream. Two plans for this diversion are physically feasible. One plan would be to convey surplus water to the Snow Mountain Water and Power Company power plant in Potter Valley by means of existing works and to construct a canal and tunnel to convey it from the power house to Clear Lake. The other plan would be to develop a larger supply by diverting some of the run-offs of the Middle Fork of Eel River, Black Butte River, and numerous small creeks into Lake Pillsbury by means of a collecting canal and tunnel to Salmon Creek. From Lake Pillsbury a tunnel would convey the water to Middle Creek, a tributary of Clear Lake. The water from either diversion could be stored in Clear Lake or in the Capay reservoir of the State Water Plan.

"*There are three possible routes for the diversion of the Klamath River water to the Sacramento River Basin.* Under two of the plans water could be diverted from the river just below Upper Klamath Lake which would be used as a storage reservoir. One route for the diversion would be by way of Tule Lake and the Modoc Lava Beds with a discharge into Fall River in the Sacramento River Watershed. The other route for the diversion would be by way of the rim of Shasta Valley and through a tunnel into the headwaters of the Sacramento River near Mount Shasta. Under the third plan of diversion, water would be diverted from the Klamath River about seven miles upstream from Fall Creek at an elevation about 1,000 feet lower than with the first two plans. The route of this



conduit also would be by way of the rim of Shasta Valley and thence through a tunnel into the headwaters of the upper Sacramento River. The conduit for each plan would have considerable length and several miles would be in tunnel.

*"The Trinity River Diversion is the most feasible of all the diversions into the Sacramento River Basin and water from it will be required to furnish a supply to lands on the western side of the upper Sacramento Valley which it is not feasible to serve from any other source."*

"It, therefore, was adopted as one of the major units of the State Water Plan. These lands comprise an area 12 miles wide extending from a point 6 miles northwesterly of Red Bluff to Stony Creek. The total gross agricultural area is about 300,000 acres with a net irrigable area of 171,000 acres. About 440,000 acre-feet annually would be diverted from Clear Creek for irrigation of these lands which lie at a maximum elevation of 1,000 feet. This diversion, in addition to furnishing a large and dependable supply of new water which may, with adequate storage on the Trinity River, be drawn upon as desired, has large power possibilities."

The estimated cost of the Trinity River Diversion is given on page 335 of Bulletin No. 26 as follows:

"Fairview Reservoir -----	\$37,000,000
Power Plant No. 1 at Fairview Dam -----	3,500,000
Lewiston Diversion Dam and Reservoir -----	900,000
Conduit from Lewiston Diversion Dam to Power Plant No. 2, and Power Plant No. 2 -----	10,700,000
Conduit from Power Plant No. 2 to Power Plant No. 3, and Power Plant No. 3 -----	2,400,000
Conduit from Power Plant No. 3 to Power Plant No. 4, and Power Plant No. 4 -----	7,500,000
Total cost of Trinity River Diversion -----	62,000,000"

The average annual output of the entire system in hydro-electric energy is estimated at 1,064,000,000 kwh.

The annual amount of water which could be diverted would be 800,000 acre-feet.

7. Water Resources of the Klamath Basin, Oregon and California; E. W. Kramer, John C. Beebe, and Ralph R. Randall, June 20, 1932

This report presents three plans of electric power development on the Klamath River and its tributaries; namely, (a) development without diversion to Sacramento River Basin; (b) development with diversion from Trinity River to Sacramento River Basin; and (c) development with diversion to Pit River.

With respect to the diversion to the Pit River the following is quoted from report beginning on page 74:

#### "ECONOMIC CONSIDERATIONS

"The Klamath River below Klamath Lake flows through a wild, mountainous, sparsely inhabited region throughout substantially its entire course. The amount of arable land within its watershed is small compared to the quantity of irrigation water which the river could supply. It appears, therefore, that in its present loca-

tion the Klamath must ever continue to flow in large measure unused, and waste into the ocean.

"To the south of the Klamath River lies the great interior basin of California. In this basin are thousands of square miles of fine agricultural land, favorably situated climatically and topographically, for which the development of water supply within the basin will become increasingly expensive as the more desirable reservoirs are constructed.

"The investigations incident to the preparation of this report have disclosed *that it is physically possible and may be economically desirable*, to divert the surplus waters of the upper Klamath River together with those of Lost River, southeastward through Tule Lake and the Modoc Lava Beds to Pit River, and this to the Sacramento Valley. *Such a development, if constructed, would augment the water supply available for power development above and along the Pit and Sacramento Rivers, for irrigation in the great interior basin of California, for navigation on the Sacramento River and for the control of salt water encroachments in the Sacramento-San Joaquin delta.*

"This diversion would materially increase and supplement the benefits to be obtained by the construction of the proposed Kennett Reservoir on the Sacramento River near Redding, since the completely regulated flow from the Klamath Diversion would flow through the Kennett power plant and then be available for irrigation, navigation and salt invasion control in the great interior basin. *The diversion may therefore serve to considerably lessen the magnitude and cost of the initial Kennett development which would be required to accomplish any given beneficial result. One of its greatest ultimate benefits would be to postpone the development of other more expensive storage projects within the basin.*

"*The proposed diversion will make possible the use of the diverted water for power development through approximately the entire usable head from Keno to the sea whereas otherwise the approximately 1,800 feet of head below the mouth of the Shasta River could not be developed unless and until the hereinbefore mentioned legal bar is removed.*" Mr. Beebe says that these statements no longer hold good as times have changed.

8. H. R. Document No. 181, Seventy-third Congress, Second Session, 1933. Report on Klamath River, Oregon and California

This report was made under the provisions of House Document No. 308, Sixty-ninth Congress, First Session, which was enacted into law with modifications in Section 1 of the River and Harbor Act of June 21, 1927.

In the letter of the Acting Chief of Engineers to the Secretary of War, dated October 14, 1933, it is stated:

"14. The division engineer concurs in the views of the district engineer.

"15. The reports of the district and division engineers have been referred, as required by law, to the Board of Engineers for Rivers and Harbors and its report, agreeing in general in their conclusions, is submitted herewith.

"16. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors. Improvement of the Klamath River for navigation is not warranted. Flood damages are small and works primarily for their prevention would not be economically justified. Incidental benefits would probably be secured from storage reservoirs constructed for other purposes. It appears that the production of hydroelectric power, with due regard to irrigation needs, is of primary consideration in the formulation of plans for water conservation in this basin. Investigations indicate that sites exist for a system of power plants having a total installed capacity of about 2,000,000 kilowatts. However, markets for the bulk of this power will not be available for many years to come, and the construction of dams on the main stream below the mouth of the Shasta River is now prohibited by State law in the interest of fish propagation. Diversion of the upper Trinity River into the Sacramento Valley, as contemplated by the California State water plan, is considered advisable. Diversion of water from the upper Klamath into the Pit River Basin should not be considered unless it were certain that all irrigation needs could be satisfied and that there was no possibility of the repeal or modification of the law prohibiting dams below the Shasta. *Irrigation development is already under the jurisdiction of the United States Reclamation Bureau.* Power development should be left to the initiative of private interests under the provisions of the Federal Water Power Act. I therefore report that the improvement of the Klamath River for navigation, either alone or in connection with power development, flood control or irrigation, or any combination thereof, should not be undertaken by the United States at the present time."

The proposed power developments considered in the foregoing report are summarized as follows:

	Number of plants	Installation in kilowatts
Link River -----	1	7,460
Klamath River, above mouth of Shasta River-----	8	(600 constructed) 263,487
Klamath River, below mouth of Shasta River-----	7	(47,000 constructed) 968,308
Scott River -----	1	64,156
Salmon River -----	3	45,506
Trinity River and tributaries-----	10	653,496
Total -----	30	2,002,413

The total head developed would be 9,376 feet with an output of 12,000,000,000 kwh. of electric energy in a median year and 4,422,000,000 kwh. in a dry year.

#### Outlook in Regard to Electric Power Demands and Supply in Northern California Market

The following information and data with respect to electric power demands and supply in Northern California have been compiled in response to certain questions raised during the testimony before the committee at its hearing held in Sacramento on January 29, 1945.



#### **Present Electric Facilities Serving Northern California Market**

The present electric facilities serving the northern California power market which comprises the entire region of northern California from the northern boundary of the State to the Tehachapi Divide are owned and operated by several electric utilities, chief of which is the Pacific Gas and Electric Company. The generating facilities now comprise in round figures 1,320,000 kilovolt amperes in hydroelectric plants and 645,000 kilovolt amperes in steam-electric plants or a combined total of 1,965,000 kilovolt amperes. The Pacific Gas and Electric Company owns and operates about 82 per cent of the hydroelectric facilities and about 97 per cent of the steam-electric (including internal combustion) facilities, and about 88 per cent of all production facilities.

The Pacific Gas and Electric Company is interconnected with and purchases power from the California-Oregon Power Company in the north and from the Southern California Edison Company in the south. It is also interconnected with the Sierra Pacific Power Company on the east and normally furnishes power to the latter company. In addition the Pacific Gas and Electric Company is interconnected with the production facilities of other utilities and purchases power from a large number.

The foregoing figures as to installed capacity do not include the installations in the Shasta and Keswick power plants of the Central Valley Project which when completed will add 450,000 kilovolt amperes of installed capacity to the electric production facilities of northern California. At present, two units with a total capacity of 150,000 kilovolt amperes are installed and in operation in Shasta Power Plant.

#### **Dependable Output Capacity of Production Facilities**

With the addition of the complete installation of the Shasta and Keswick power plants, the combined electric generating facilities serving the northern California market are estimated to have a dependable output capability under dry year conditions, if fully coordinated, sufficient to serve a total load of 1,670,000 kilowatts measured in annual peak demand and about 9,000,000,000 kwh. measured in annual energy output.

#### **Present Load in Northern California**

The present load in the northern California market is about 9.5 billion kwh. annually. Of this total the Pacific Gas and Electric Company supplies about 92 per cent, with power produced by its own facilities and power purchased or consigned from other sources.

#### **Estimated Future Load**

The present load reflects abnormal power demands brought about by the war, and is above the trend of growth in load that might be expected under more normal conditions. It appears probable that with the cessation of the war there may be a reduction in load demands temporarily. However, under the normal trend of growth in this State and in northern California in particular the power demands may be expected to increase in future years.



Based upon preliminary studies by this office and consideration of estimates made by others, the load demands for the years 1950 and 1960 in accordance with a predicted normal trend of growth are estimated as follows:

<i>Year</i>	<i>Annual load in million kwh.</i>	<i>Maximum annual demand in kilowatts</i>
1950 -----	9,500	1,770,000
1960 -----	12,700	2,400,000

It should be noted that these are preliminary figures based upon normal predicted trend of growth and are subject to the uncertainties inherent in any prediction into the future. However, it is believed that the estimates may be considered to be on the conservative side if the State grows and develops as is expected.

#### **Additional Power Supply Needed**

The foregoing figures indicate that an additional capacity, over and above the dependable capability of the production facilities now installed and definitely under way, of at least 100,000 kilowatts should be provided to assure meeting power demands in 1950; and that to meet the growth in load up to 1960 over 700,000 kilowatts of additional capacity will be needed. In addition a certain amount of obsolete production equipment will have to be replaced.

#### **Sources of Additional Power Supply**

The potential power resources for furnishing additional power demands in Northern California are relatively abundant. There is a large amount of undeveloped hydroelectric power remaining to be developed including numerous single purpose power projects and the multiple purpose projects of the State Water Plan. The Pacific Gas and Electric Company has plans for a number of additional single purpose hydroelectric power developments including plants on the Feather River, the Pit River and other streams. In addition fuel is available in the form of oil and natural gas for the generation of electric power by steam-electric or internal combustion plants.

A number of the multiple purpose storage reservoir projects of the State Water Plan contemplate the production of hydroelectric power as an incidental feature to the primary objectives of furnishing water supplies for irrigation and controlling floods. Preliminary estimates by this office indicate that the proposed hydroelectric developments of these projects will be capable of producing over 5,000,000,000 kwh. of energy on the average annually and about 700,000 to 800,000 kilowatts of dependable capacity over and above that to be made available from the Shasta and Keswick plants of the initial Central Valley Project of the State Water Plan is the proposed Trinity River Diversion which preliminary estimates by this office indicate will have an output capability of about 135,000 kilowatts and about 1,000,000,000 kwh. in average annual energy output.

Details as to the electric power potentialities of the units of the State Water Plan are contained in a report entitled "Electric Power Features of the State Water Plan in the Great Central Valley Basin of California,"

August 1941, prepared by the Division of Water Resources for the Water Project Authority. Copies of this report have been furnished to the committee.

The order or priority in which the potential power resources will be developed in Northern California will depend upon many factors and can not be definitely set up at this time. It appears, however, that it would be desirable and profitable to meet the additional capacity requirements by new hydroelectric power installations insofar as practicable, perhaps to the extent of at least 75 per cent of the total additional capacity requirements.

A large part of the additional capacity requirements can be met by power produced from the multiple purpose storage projects of the State Water Plan. In view of the fact that many of these projects are needed now or will be soon to provide necessary flood control and additional water supplies, it would be desirable to build such projects and develop and utilize the hydroelectric power output to meet increased load demands.

The Water Project Authority of the State of California has taken the position that, insofar as practicable, the future power needs of Northern California should be met first from hydroelectric power developed by public multipurpose projects; and that in the programming of additional capacity to meet the load growth, preference should be given to such multipurpose projects in the best public interest. The foregoing estimates of future power demands indicate that most of the hydroelectric power that can be developed by the multiple purpose units of the State Water Plan could be utilized in meeting increased power demands in Northern California during the next 15 years. Therefore, considering the immediate or impending need of these projects for flood control and irrigation and other water supply purposes, the construction of such projects for the additional purpose of furnishing hydroelectric power during the next 15 years would appear to be desirable and advantageous in the public interest.

The project for the Trinity River Diversion is one of the units of the State Water Plan which might be justified for construction during this period. The exact time that it might be found to be justified for construction can not be foretold at this time. However, it appears at this time that other storage units of the State Water Plan may receive preference chiefly because of flood control benefits and that consequently the construction of the Trinity River Project may not occur until 10 years hence or possibly later.

### APPENDIX III

#### Summary of Testimony by United States Bureau of Reclamation Representatives—January 29, 1945 (Exhibit B)

"The Bureau of Reclamation has no plan for the diversion of water from Upper Klamath River under consideration at this time. The bureau has been aiding the Corps of Engineers, U. S. Army, in their studies of the proposed diversion by furnishing data which the Bureau of Reclamation has on hand. This assistance and cooperation is being given under a four-party agreement concerning investigation of water resources by the Corps of Engineers, Federal Power Commission, Bureau

of Agricultural Economics, and the Bureau of Reclamation. This agreement was made for the purpose of preventing duplication of effort. Under it the four agencies provide on another with basic data which each may have collected.

"In 1923 the Bureau of Reclamation made a study of the possibility of diverting water from the Klamath River into Shasta Valley. This investigation was made in cooperation with the Shasta Irrigation District and the State of California. A copy of the report is on file with the State Engineer.

"The immediate problem in the Central Valley of California is the control and beneficial use of the water we now have available. This will be our vital and challenging problem for several years after the war. When we have controlled our streams flowing into the Sacramento-San Joaquin Basin and will have put them to their maximum beneficial use, then it may be necessary to import additional water into the basin from the Upper Klamath Basin.

"With this ultimate need in view, the Bureau of Reclamation is studying the possibilities of a diversion from the Trinity River as recommended by the State Engineer, Edward Hyatt, in his report of 1930 on the State Water Plan. If this committee is interested in the Bureau of Reclamation activities on that stream, we will be very pleased to furnish any information you desire."

Mr. Calland directed further questioning to Mr. Kerr. Mr. Kerr explained more in detail some of the early investigations on the Klamath River and Klamath Project by the Bureau of Reclamation, and stated the purpose of bureau investigations for diversion of Klamath River water was to find an adequate irrigation supply for the Shasta Irrigation District in the Shasta Valley which is a part of the Klamath River watershed. Mr. Kerr stated that the most recent report on this plan by the Bureau of Reclamation was made in 1923 by Engineers Galt and Towle.

The Bureau of Reclamation's activities in connection with Trinity River diversion were discussed at length. Mr. Kerr stated that the bureau was considering the feasibility of two plans on the Trinity River. One would require a dam at Fairview with a small diversion dam as Lewiston. The flood waters of the Trinity would be held in storage behind Fairview dam and later diverted by means of a seven- or eight-mile tunnel into Clear Creek Watershed which is part of the Sacramento Valley Watershed. The water will then be diverted from Clear Creek into Kesweck Reservoir, and the drop from the Trinity River to the Keswick Reservoir on the Sacramento River would be utilized in producing a considerable amount of hydroelectric energy. An alternate plan would call for an additional storage reservoir at Steiner Flat, a point which is below the confluence of Brown's Creek and the Trinity River. This has been proposed as the Brown's Creek Reservoir. Mr. Kerr explained that the geological drilling crews had examined the Brown's Creek site, the Lewiston site, and they were now engaged in drilling the Fairview site. It was estimated by Mr. Kerr that studies would continue for another year before the Bureau of Reclamation would be able to set forth a statement of costs and benefits, and thereby determine the economic feasibility of the two plans.



Mr. Kerr explained that the Bureau of Reclamation started the investigations of the Trinity River Project in 1942 as a part of their investigations of a comprehensive, overall plan of water resource development for the Sacramento-San Joaquin Valleys. Mr. Kerr called attention to the fact that the Trinity River Diversion was endorsed by the State Engineer in Bulletin 25, published in 1930, outlining to the State Legislature the component parts of the State Water Plan.

In addition to their general authority in the Reclamation Act of 1939, the bureau has been investigating the possibilities of the Trinity River under authority of Executive Order 9384 of the President which asked all Federal agencies directly connected with public works construction to prepare and keep up to date carefully-planned and realistic long-range programs of public works construction. This was recommended in order to provide a shelf of feasible projects which can be undertaken should it prove desirable to carry on a postwar public works program.

Later on in the hearing the Reclamation Bureau representatives submitted a copy of the following resolutions:

1. A resolution dated November 4, 1941, from the Trinity County Board of Supervisors requesting early construction of the Trinity River Diversion Project.
2. A resolution dated October 7, 1942 from the City of Redding, urging an appropriation to be used in further investigation of the Trinity River Project.
3. A resolution from the Redding Chamber of Commerce urging an appropriation to be used in further investigation of the Trinity River Project dated October 7, 1942.

Mr. Kerr stated that the first thing the Bureau of Reclamation engineers did when they started investigations of the Trinity Project was to request from the Fish and Wildlife Service a study of the water requirements on the Trinity River for preservation of fish life. Mr. Kerr stated that for the construction of the counting weir alone, the bureau had expended over \$10,000.

Mr. Kerr stated that full consideration would be given to the water requirements for fish life, recreational facilities, and other activities on the Trinity River, prior to any recommendations in the Bureau of Reclamation report on the Trinity River Project.

From testimony of the Bureau of Reclamation witnesses it was learned that additional storage would be required at the proposed Table Mountain Dam if full use is to be made of the water diverted from either the Trinity River or Klamath River or both. A member of the committee called attention to the fact that diversion of water from the Upper Klamath Basin into the Sacramento Valley via the Pit River would benefit all of the present and future power plants of the Pacific Gas and Electric Company on Pit River by "firming up" their water supply.

It appeared that the economic feasibility of the Trinity River diversion and the Klamath River diversion was inextricably connected with the need for water in the entire Central Valley, and especially with those features of the Central Valley Project located in the Sacramento Valley. In response to questioning as to the need of the Trinity Diversion, the Bureau of Reclamation engineers testified that such a study was necessary to determine the overall plan for the development of the Central Valley



Project. It was their opinion that the comprehensive plan should be developed and then additional features of the Central Valley Project should be constructed in accordance with that plan, so the maximum benefits from the development of our water resources would not be jeopardized by construction of individual, unrelated and uncoordinated projects.

This statement prompted questioning by the committee concerning the apparent conflict over work between the Bureau of Reclamation and the Corps of Engineers, United States Army. Mr. Kerr explained that the Bureau of Reclamation in its early stages, after it was created in 1902, confined its activities largely to projects which had the single purpose of irrigation development. Known early as the Reclamation Service, it had as its objective the reclaiming of fertile land from the desert. It was pointed out that as larger projects were required, the purposes of irrigation, flood control, navigation, recreation with municipal water supply, and other multiple-purposes of storage dams were involved in any of the larger projects. Boulder Dam, constructed by the Bureau of Reclamation, is a notable example.

For many years the Corps of Engineers confined their activities to the construction of levees and later navigation locks and dams required for flood control and navigation purposes. As development of the larger streams progressed, this agency, too, became interested in multiple-purpose projects. From the discussion it appeared that there was need for clarification of the responsibilities of these government agencies, and as stated by one member of the committee, it called for a declaration of policy by Congress itself.

Considerable attention was devoted to a discussion of the method by which the Bureau of Reclamation acquires water rights necessary for the operation of its projects. Mr. Calland stated that the Bureau of Reclamation recognizes and respects existing vested water rights which have been perfected under State laws. He said the Bureau of Reclamation has been required to do so by Section 8 of the Reclamation Act of 1902, which has been a basic part of the Reclamation Law ever since the inception of the reclamation program which is being administered by the Bureau of Reclamation. Mr. Calland stated that ample demonstration of the effect of this law has been given in connection with the Central Valley Project. Water findings made by the State have been obtained by assignment from the State Department of Finance, and the vested water rights have been acquired by the United States by the expenditure of millions of dollars. Other water rights, Mr. Calland stated, which may be affected by the operations of the project are being acquired and appropriate adjustments will be made in full recognition of the rights of the land owners.

Supplementing Mr. Calland's remarks, Mr. Kerr stated that in studies of future projects proposed by the Bureau of Reclamation, full recognition was being given to the needs of the watersheds before any diversion of water was proposed. Mr. Kerr stated that the bureau recognized the Counties of Origin Law, which may be more specifically described as Section 11460 of the State Water Code. Section 11460 states:

"In the construction and operation by the authority of any project under the provisions of this part of watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the authority directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein."

A discussion of the effect of this State law which is presumably recognized by the Bureau of Reclamation led to the suggestion that the present and future water requirements for all beneficial needs in the Trinity River Watershed would be adequately provided for under Bureau of Reclamation construction. A question was raised whether this would be true under construction of the project by the Corps of Engineers, U. S. Army.

Mr. Kerr, explaining the procedure for construction of projects by the Bureau of Reclamation, called attention to the fact that the cost of reclamation projects constructed under the Reclamation Law must be repaid to the Federal Treasury. He stated the irrigation features of these projects could use Federal money without interest charges. The allocation of costs for the power features of these projects had to bear an interest rate of three per cent. He mentioned that flood control and navigation costs were usually borne by the national taxpayer. Mr. Calland in the later statement indicated that legislation had been introduced which might result in adding fish and wildlife conservation, recreational use, salinity control, excessive costs due to war, and other charges to the list of non-reimbursable items.

#### APPENDIX IV

Excerpt From Answers to Questions Regarding Policy of United States  
Bureau of Reclamation (Exhibit D)

UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION  
Sacramento 14, California

REGION II

July, 1944

Answers to Questions Submitted to U. S. Bureau of Reclamation by Central  
Valley Project Committee of Irrigation Districts Association of California,  
Relative to the Central Valley Project

(From page 29)

#### IX. Policy

- (1) Does the Bureau of Reclamation recognize and respect existing water rights which have been initiated and perfected or in the state of being perfected under State laws?

The Bureau of Reclamation has been required to do so by Section 8 of the Reclamation Act of 1902 ever since the inception of the reclamation program administered by the Bureau of Reclamation. The Bureau of Reclamation has never proposed modification of that requirement of

Federal law; and on the contrary, the Bureau of Reclamation and the Secretary of the Interior have consistently, through the 42 years since the 1902 act, been zealous in maintaining compliance with Section 8 of the 1902 act. They are proud of the historic fact that the reclamation program includes as one of its basic tenets that the irrigation development in the West by the Federal Government under the Federal Reclamation Laws is carried forward in conformity with State water laws. Ample demonstration of the effect of this law and policy of administration, in action, has been given in connection with the Central Valley Project. Water filings made by the State have been obtained by the Bureau of Reclamation by assignment, and vested water rights have been acquired by the United States by purchase, the considerations amounting to millions of dollars and being agreeable to vendor—all in conformity with State laws. Further, other water rights of landowners which will or may be affected by the operations of the project are being analyzed and appropriated adjustments, giving full recognition of the rights of the landowners, are in the process of being worked out.

#### APPENDIX V

##### Definition of Klamath River Fish and Game District—Section 96, Fish and Game Code (Exhibit C)

The following shall constitute the Klamath River Fish and Game District: The waters of the Klamath River as described in the initiative act to create the Klamath River Fish and Game District, approved by electors November 4, 1924. (Enacted 1933.)

Based on Stats. 1929, Ch. 690, Sec. 5, p. 1183

Following is the text of the initiative act to which the foregoing section refers:

SECTION 1. District Created and Waters Constituting. The Klamath River Fish and Game District is hereby created and shall consist of the Klamath River and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in the County of Siskiyou to the mouth of the Klamath River in Del Norte County.

SEC. 2. Constructing or Maintaining Obstruction: Misdemeanor: Punishment: Public Nuisance. Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars (\$500) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance.



## APPENDIX VI

## "County of Origin" Law—Section 11460 Water Code, State of California

## Section 11460, Water Code, State of California

"In the construction and operation by the authority of any project under the provisions of this part a watershed or areas wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, *shall not be deprived by the authority directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed area, or any of the inhabitants or property owners therein.*"

## APPENDIX VII

Report on Klamath River by Secretary of War—House Document No. 181  
Seventy-third Congress, Second Session

(LETTER FROM THE SECRETARY OF WAR RE KLAMATH RIVER,  
OREGON AND CALIFORNIA)

(From Page 2)

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS

WASHINGTON, October 14, 1935

SUBJECT: Report on Klamath River, Oregon and California.

To: The Secretary of War.

1. I submit for transmission to Congress my report, with accompanying papers and illustrations, on the Klamath River, Oregon and California, made under the provisions of House Document No. 308, Sixty-ninth Congress, First Session, which was enacted into law with modifications in Section 1 of the River and Harbor Act of January 21, 1927.

2. The Klamath River Watershed lies in south central Oregon and northwestern California. It has an area of about 15,500 square miles. Klamath River proper rises in Lake Ewauna in the vicinity of Klamath Falls, Oregon, and flows southwesterly about 263 miles to the Pacific Ocean, 30 miles south of the Oregon-California State line. The upper part of the watershed, with an area of about 8,000 square miles, consists of a series of volcanic plateaus ranging in elevation from 4,000 to 5,000 feet. The main stem of the river is joined through Lake Ewauna and Link River (about one mile long) to Upper Klamath Lake, into which empty several streams draining the northern part of the plateau area. Of these the Williamson River is the largest. Lost River drains most of the southern part of the plateau section and under natural conditions flowed into Tule Lake, which has no surface outlet. The excess flood flow is now diverted into Klamath River. Below Keno, Oregon, 25 miles by river above the Oregon-California State line, the Klamath River flows through a rugged winding canyon. The fall through this section varies from 10 to 80 feet per mile. The principal tributaries in the lower section are the Shasta, Scott, Salmon, and Trinity Rivers.

3. The mean annual precipitation in the basin varies from about 100 inches on the western side of the coast ranges to less than 20 inches on the upper plateaus. About 75 per cent of the precipitation occurs



during the period from November to March, inclusive. The run-off from the basin above Keno, Oregon, is well regulated due to extensive marsh lands and storage at Upper Klamath Lake. The mean annual run-off in the entire river basin varies from 0.23 to 2.03 cubic feet per second per square mile. The maximum flood is estimated to have been 400,000 cubic feet per second at the mouth.

4. The population of the watershed in 1930 was about 60,000, of which about 16,000 were in Klamath Falls, Oregon. The principal occupations are lumbering and agriculture. In the past hydraulic mining on a large scale was carried on in the upper reaches of the Trinity River.

5. No railway parallels the main axis of the valley. The upper basin is traversed by two main line railroads and the lower basin is crossed in two places by improved highways. An improved road parallels the main stream for the greater part of its length. Much of the mountainous area is accessible only by trails.

6. Salmon spawn in the Klamath River and its tributaries in sufficient numbers to be of commercial importance. In 1918 the salmon catch in the State was about 6,500 tons but since 1920 it has been on the decline. In 1928 it was 2,200 tons. To combat this depletion the State Division of Fish and Game has instituted a policy of conserving the natural spawning grounds, and in 1924 the construction of dams or artificial obstructions below the mouth of Shasta River (mile 186) was prohibited by law.

7. IRRIGATION: Considerable areas in the upper basin have been developed by irrigation. The Klamath project of the United States Bureau of Reclamation, which is the largest, includes lands in Langell, Yonna, and Pow Valleys on Lost River, Klamath Valley, the bed of former Tule Lake and the bed of Lower Klamath Lake. Water for Langell, Yonna, and Pow Valleys is supplied from reservoirs on the headwaters of Lost River, and for the balance of the project from Upper Klamath Lake. Surplus water from this lake is also used for power production. The total area irrigated in 1931 was about 63,000 acres. Above the Upper Klamath Lake there are irrigation projects in Wood River Valley, the upper Sprague River east of Klamath Indian Reservation and on the reservation. A small amount of water has also been diverted from this basin to the Rogue River Valley for irrigation. Other irrigation projects have been constructed on the tributary streams below Keno, the principal ones being on Bear Creek, Cottonwood Creek, and Shasta and Scott Rivers. The district engineer investigated possible additional development and reached the conclusion that below Keno the situation is probably stabilized but that further development is probable above that point. Since this would be mainly in the areas now under the jurisdiction of the Reclamation Bureau, he confined his investigation largely to a determination of the probable water consumption, as this was essential in determining the potential power below Keno.

8. POWER: Eight commercial hydroelectric plants have been constructed in the Klamath River Basin, having an aggregate installed capacity of 56,690 kilowatts. The two largest, having a total capacity of about 47,000 kilowatts, are located on the main stem below Keno, Oregon. Studies of the potential waterpower and storage have been

made by the United States Forest Service in cooperation with the district engineer. Under present conditions of irrigation use, it was found that the regulated flow at Keno, Oregon, was 1,696 continuous second-feet for the median year, and 534 second-feet during a dry year. The main features of the plan proposed for an ultimate development for power without further diversion from the watershed and inclusive of 47,600 kilowatt capacity already constructed, are summarized in the table below. The locations of reservoirs and power plants are shown on plate No. 1. Estimates of cost were not made.

Reservoirs	River	Storage capacity, acre-feet	Number of plants	Installed capacity, kilowatts	Total head	Million kilowatt-output <sup>1</sup>
Upper Klamath Lake-----	{Link <sup>2</sup> -----	393,000	1	7,460	47	45
Seiad Valley-----	{Klamath <sup>3</sup> -----		8	263,487	1,718	1,765
Scott Valley-----	{-----	590,000	7	968,308	1,786	6,484
Cecilville-----	{Scott -----	244,000	1	64,156	860	236
Fairview-----	{Salmon -----	25,000	3	45,506	1,685	306
Hayford-----	{Trinity -----	1,015,000	10	653,496	3,280	3,260
Hyampom-----	{-----					
Total-----		2,267,000	30	2,002,413	9,376	12,096

<sup>1</sup> For median year. The output for a dry year is 4,422 million kilowatt-hours.

<sup>2</sup> In Upper Klamath Lake.

<sup>3</sup> Above mouth of Shasta River.

<sup>4</sup> Below mouth of Shasta River.

9. In view of the present legal restriction against dams below the Shasta River, a plan was studied for the diversion of the surplus waters of the Upper Klamath and Lost Rivers not now required for irrigation south through Tule Lake into the Pit River in Sacramento Valley. While the investigations were not sufficiently complete to warrant definite conclusions, it appears that the water supply, after allowing for future expansion of irrigation, might be too uncertain to justify this plan and the legal complications might also prevent its adoption.

10. The comprehensive water plan of the State of California for the Great Central Valley includes the construction of a reservoir on the Trinity River and the annual diversion of about 800,000 acre-feet of water into the Sacramento Valley, with incidental generation of about 1,065 million kwh. of power annually through a drop of about 1,700 feet. An alternate diversion plan suggested in the present report would make available about 970,000 acre-feet of water annually. This diversion would reduce the power output as given in paragraph 8 by about 13 per cent but this would be largely offset by the power developed under the diversion plan.

11. The district engineer states that it is not probable that the Klamath Basin will ever absorb more than a small part of its potential energy and that due to the large prospective hydro developments nearer the available market any extensive development of the Klamath River power is not probable in the near future.

12. NAVIGATION: This river has not been improved for navigation. A limited number of logs are rafted to mills on the upper lakes and the river above Keno, Oregon, and there is a small amount of commerce consisting of passengers and miscellaneous freight carried on light-draft

motor boats on the lower 33 miles of the river. One boat also plies occasionally between Requa and Eureka on the Humboldt Bay, carrying annually about 500 tons of commerce, chiefly cans and canned salmon. The possibility of constructing a harbor at the mouth has been several times investigated and adversely reported upon. The district engineer states that the cost would evidently be disproportionate to the benefits. Power developments, if properly regulated, might benefit the light draft navigation in the lower.

13. FLOODS: No works of importance primarily for flood protection have been constructed in the basin. Flood damages on the Klamath have been confined largely to the overflow of the lowlands near the mouth and are small in amount. The district engineer is of the opinion that the most practical method of protection would be by the construction of works to hold the mouth of the river and the building of levees, but that the cost of such work could not be economically justified. Storage reservoirs constructed in connection with power developments in the lower reaches of the main stream and in the Trinity would probably give partial protection.

14. The division engineer concurs in the views of the district engineer.

15. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors. Improvement of the Klamath River for navigation is not warranted. Flood damages are small and works primarily for their prevention would not be economically justified. Incidental benefits would probably be secured from storage reservoirs constructed for other purposes. It appears that the production of hydroelectric power, with due regard to irrigation needs, is of primary consideration in the formulation of plans for water conservation in this basin. Investigations indicate that sites exist for a system of power plants having a total installed capacity of about 2,000,000 kilowatts. However, markets for the bulk of this power will not be available for many years to come, and the construction of dams on the main stream below the mouth of the Shasta River is now prohibited by State law in the interest of fish propagation. Diversion of the upper Trinity River into the Sacramento Valley, as contemplated by the California State Water Plan, is considered advisable. Diversion of water from the upper Klamath into the Pit River Basin should not be considered unless it were certain that all irrigation needs could be satisfied and that there was no possibility of the repeal or the modification of the law prohibiting dams below the Shasta. Irrigation development is already under the jurisdiction of the United States Reclamation Bureau. Power development should be left to the initiative of private interests under the provisions of the Federal Water Power Act. I therefore report that the improvement of the Klamath River for navigation, either alone or in connection with power development, flood control or irrigation, or any other combination thereof, should not be undertaken by the United States at the present time.

LYTLE BROWN,  
Brigadier General, United States Army,  
Acting Chief of Engineers.



## APPENDIX VIII

Letter From H. M. Rich, Acting District Engineer, Corps of Engineers,  
Sacramento, in Reply to Questions Submitted With Letter  
of February 8th by Senator Oliver J. Carter

The committee requested of the Corps of Army Engineers pursuant to a letter of Senator Carter, certain answers to certain questions as follows:

MR. HENRY RICH, *Acting District Engineer*  
*U. S. Corps Army Engineers, Sacramento District*  
*Wright Building, Sacramento, California*

DEAR MR. RICH: At the request of the Joint Interim Committee of the California Legislature investigating the Klamath River problem. I am submitting the following questions to be answered by the Corps Army Engineers. It will be of great assistance to the committee to have written answers to these questions before the meeting on February 19th, at Sacramento.

The answers to these questions may be delivered to Senator Thos. H. Kuchel at the State Capitol in Sacramento.

Yours very truly,

(Signed) OLIVER J. CARTER

1. A Statement of the Corps of Engineers' position in regard to a diversion of Klamath River water into the headwaters of the Sacramento River.

2. A description of your activities and possible plans for diversion of Trinity River water into the Sacramento Valley.

3. A description of your studies in connection with the proposed Table Mountain Dam and the alternate plan for dams on tributaries, and their relation to the Klamath, Trinity, and other proposed developments in the Sacramento Valley.

4. Other possible transfers from one major watershed to another in your plans for the full development of the water resources of the Central Valley.

5. A statement of the Corps of Engineers' policy in connection with use of water for preservation of fish life and development of recreational opportunities.

6. The policy of the Corps of Engineers concerning State water laws.

7. Your policy in connection with the amount of water that can be diverted from one watershed to another in proposed diversions.

8. Does the Corps of Engineers give an opportunity for expression of local viewpoint in connection with proposed projects?

9. A description of the future development of the water resources in the Central Valleys from the Sacramento-San Joaquin Watersheds, showing the quantities of water that can be developed for use in said watersheds.



SENATOR THOMAS H. KUCHEL, *California State Legislature*  
*Capitol Building, Sacramento, California*

DEAR SENATOR KUCHEL: Reference is made to attached letter dated February 8, 1945, from Senator Oliver J. Carter to this office requesting written statements to certain questions for the Joint Interim Committee of the California Legislature investigating the Klamath River problem. In view of the fact that the Klamath River investigation under way by this department are being carried on under the direction and supervision of Colonel Kenneth M. Moore, District Engineer, U. S. Engineer Office 74 New Montgomery Street, San Francisco, California, that office has been requested to furnish you directly the information desired under items 1, 2, 5, 6, 7, and 8. Answers to the questions raised by Senator Carter, dealing with the projects and investigations under way in this office, are answered as follows:

QUESTION 3. As you no doubt know, the Flood Control Act approved December 22, 1944, authorized a low dam, multiple-purpose, storage development at the Table Mountain site on the upper Sacramento River. Such a dam was recommended by this department in a report printed in House Document No. 205, Seventy-seventh Congress, First Session, after a thorough study of a number of alternate methods of accomplishing the same flood control benefits as will result from that project. The alternate studies included both a series of smaller reservoirs on the upper tributaries of the Sacramento River as well as a leveed bypass channel through Butte Basin. A comparison of the relative costs and benefits of the various alternate schemes investigated led this office to conclude that the public interests would best and most economically be served by construction of multiple-purpose storage on the Sacramento River at or in the vicinity of the Table Mountain site. None of the alternates investigated included consideration of diversion of Klamath or Trinity River waters in the Sacramento River Basin. Such diversions, if made, might increase the potential hydroelectric power available at the low Table Mountain Dam by as much as 145,000,000 kwh.

QUESTION 4. No authorized flood control project in the Sacramento-San Joaquin River Valleys includes facilities for the transfer of conserved stored flood waters from one major watershed to another, although certain such projects include local diversion works, in the interest of flood control, to make possible the protection of areas now subject to flood damage. Furthermore, no such conveyance units, for the transfer of conserved flood waters from one major watershed to another, is being studied or considered by this office.

QUESTION 9. In answering this question, attention is invited to the fact that this department is primarily concerned with improvements relating to flood control and has studied and considered only such reservoir projects in the Sacramento-San Joaquin River Basins as are considered ultimately desirable from a flood control standpoint. In connection with the planning for such reservoirs, however, this department is required by law to consider all related water uses such as irrigation. Such studies by this office indicate that the construction of nine multiple-purpose reservoirs on the tributaries of the Sacramento

River, in addition to the Shasta Reservoir, having a combined gross storage capacity of 7,179,000 acre-feet, would make available a new irrigation yield of 2,245,000 acre-feet annually; that the ultimate construction of five similar multiple-purpose reservoirs on the tributaries of the San Joaquin River, in addition to the Friant Reservoir, having a combined gross storage capacity of 2,169,000 acre-feet would make available a new irrigation yield of 355,000 acre-feet annually; and that the construction of four multiple-purpose reservoirs on the streams flowing into Tulare Lake, having a combined gross capacity of 1,810,000 acre-feet, would make available a new irrigation yield of 226,000 acre-feet annually.

Very truly yours,  
(Signed)

H. M. RICH, Head Engineer  
Acting District Engineer

#### APPENDIX IX

Letter From K. M. Moore, District Engineer, Corps of Engineers, San Francisco,  
in Reply to Questions Submitted With Letter of February 8th  
by Senator Oliver J. Carter

THE HONORABLE THOMAS H. KUCHEL, *State Senator,*  
*State Capitol, Sacramento, California*

DEAR SIR: A letter, dated February 8, has been received from the Honorable Oliver J. Carter conveying certain questions with the request that the replies thereto be addressed to you. Some of the questions are relative to Corps of Engineers' policy and can only be answered authoritatively by the Chief of Engineers in Washington. However, his standing instructions in their regard are expressed in the answer herein. Other questions pertain to the Sacramento District and should be referred to the District Engineer, Sacramento, California, or to the Division Engineer, Pacific Division, as I have later indicated.

Subject to the above comments, the following are replies to Mr. Carter's questions:

1. *A statement of the Corps of Engineers' position in regard to a diversion of Klamath River water into the headwaters of the Sacramento River.* In connection with the survey of the entire Klamath River Watershed, the District Engineer is making a study to determine whether it is physically and economically feasible to divert surplus waters from the Upper Klamath River into the Sacramento River Watershed, and if so, whether such diversion is a part of the best and most advantageous plan for the future development of the Klamath River. The Corps of Engineers' final recommendations will be made by the Chief of Engineers after review of the District Engineer's findings by the Division Engineer and the Board of Engineers for Rivers and Harbors, and after he has received the comments of the Governors of the States of Oregon and California as described in the answer to Question 6 herein.

2. *A description of your activities and possible plans for diversion of Trinity River water into the Sacramento Valley.* The answer to this question is the same as to Question 1, with the Trinity River substituted for Upper Klamath River.

3. *A description of your studies in connection with the proposed Table Mountain Dam and the alternate plan for dams on tributaries, and their relation to the Klamath, Trinity, and other proposed developments in the Sacramento Valley.* The Central Valley of California, including Table Mountain Dam, is in the Sacramento District, not the San Francisco District. This question is one that will be considered by the Division Engineer, who has supervision over and coordinates various West Coast Districts, when reviewing the findings of the District Engineer as described in Answer 1 above.

4. *Other possible transfers from one major watershed to another in your plans for the full development of the water resources of the Central Valley.* See answer to Question 3 above.

5. *A statement of the Corps of Engineers' policy in connection with use of water for preservation of fish life and development of recreational opportunities.* The Corps of Engineers' policy is to take into full consideration all matters pertaining to fish and wildlife in connection with stream investigation. If there are any fish and wildlife features connected with an examination of a locality, the Federal Fish and Wildlife Service is requested to make a full report thereon, in order that this phase of the general problem may be given full consideration along with other phases. Recreational opportunities of the locality are given like careful consideration.

6. *The policy of the Corps of Engineers concerning State water laws.* This question is not clear. It is the general policy of the Corps of Engineers to accede to all State and local laws. Specifically, insofar as flood-control surveys are concerned, the preparation thereof is made in cooperation with the State water authorities, and the final report is submitted to the Governor or Governors of the State or States involved for their review and comments before being transmitted to the Congress. State authorities are, therefore, kept cognizant continually of any contemplated plans which might involve State water laws.

7. *Your policy in connection with the amount of water that can be diverted from one watershed to another in proposed diversions.* This question is too indefinite to permit a reply.

8. *Does the Corps of Engineers give an opportunity for expression of local viewpoint in connection with proposed projects?* Yes, as an example, the forthcoming hearings at Klamath Falls, Yreka, and Eureka on February 20, 21, and 23, are for that purpose.

9. *A description of the future development of the water resources in the Central Valleys from the Sacramento-San Joaquin Watersheds, showing the quantities of water that can be developed for use in said watersheds.* This question should be addressed to the District Engineer, Sacramento, California, or to the Division Engineer of the Pacific Division.

Very truly yours,

K. H. MOORE, Colonel, Corps of Engineers,  
District Engineer.

## APPENDIX X

Letter of February 17, 1945, From R. S. Calland, Assistant Regional Director,  
Bureau of Reclamation, in Reply to Questions Submitted With  
Letter of February 8th by Senator Oliver J. Carter

The same questions that were directed to the Corps of Army Engineers were directed to the Bureau of Reclamation and the following was received:

February 17, 1945

SENATOR RANDOLPH COLLIER, *Chairman, Joint Committee on Rivers and  
Flood Control*

*California Legislature, State Capitol  
Sacramento, California*

DEAR SENATOR COLLIER: In response to the request of your committee, we are pleased to submit answers to the questions transmitted with Senator Carter's letter of February 8, 1945.

We appreciate the opportunity of discussing with you and your committee the vital problems facing the State of California in regard to the development of the entire Central Valley Project. We are confident that through frank discussion of our mutual problems, we can obtain a better understanding of the respective interests in this great water development.

Sincerely yours,  
(Signed)

R. S. CALLAND  
Assistant Regional Director

February 8, 1945

MR. CHAS. E. CAREY, *Regional Director District II,  
Bureau of Reclamation  
Old Post Office Building  
Sacramento, California*

DEAR MR. CAREY: At the request of the Joint Interim Committee of the California Legislature investigating the Klamath River problem, I am submitting the following questions to be answered by the Bureau of Reclamation. It will be of great assistance to the committee to have written answers to these questions before the meeting of the committee on February 19th at Sacramento.

The answers to these questions may be delivered to Senator Thos. H. Kuchel at the State Capitol in Sacramento.

Very truly yours,  
(Signed)

OLIVER J. CARTER



Answers to Questions Submitted to U. S. Bureau of Reclamation for Joint  
Legislative Committee on Rivers and Flood Control Relative  
to the Central Valley Project

**I. Position of the Bureau Concerning the Proposed Klamath River Diversion**

1. "A statement of the Bureau of Reclamation's position in regard to a diversion of Klamath River water into the headwaters of the Sacramento River."

The Bureau of Reclamation has no plan, nor is the Bureau investigating any plan for the diversion of Klamath River water into the headwaters of the Sacramento Valley Watershed. The bureau would not propose a study of such a diversion unless and until further irrigation development in the Sacramento and San Joaquin Valleys discloses that there is an actual need for water in excess of the supplies which can be made available by all practicable conservation measures from the streams of the two valleys and reasonable Trinity River Diversions.

Should the future needs of the two valleys prove to be in excess of the presently planned supplies, as discussed above, the bureau would not advocate diversions from the Upper Klamath River unless a thorough study made at that time disclosed that such diversions could be made without injury to either the Upper or Lower Klamath Basin. In any studies consideration would be given to the needs of the entire Klamath River Basin including those for domestic and industrial water supplies, irrigation, fish and wildlife, recreation, and power.

**II. Plans Concerning the Proposed Trinity River Diversion**

2. "A description of your activities and possible plans for diversion of Trinity River water into the Sacramento Valley."

Under the authority of the Reclamation Act of 1902 and Executive Order 9384 from the President, the Bureau of Reclamation is studying possible water development projects in California. Among these is the proposed Trinity River Diversion, a part of the State Water Plan as outlined by State Engineer Edward Hyatt in 1930. Investigations on this project were expedited at the request of the Trinity County Board of Supervisors, the Redding City Council, and the Redding Chamber of Commerce. (Copies of resolutions are attached.)

Water would be diverted from Trinity River in the vicinity of Lewiston to the Sacramento River north of Redding. Basically, the plan would be much the same as that proposed by the State Engineer in Bulletin 26 of the Division of Water Resources, which plan included a large storage reservoir at the Fairview site, a diversion dam at Lewiston and tunnels and conduits to the Sacramento River. In addition, the bureau is investigating a second storage site on Trinity River at the Browns Creek or Steiners Flat site near Douglas City. A reservoir at this location might be an alternate to Fairview Reservoir or supplemental thereto.

The foundations have been explored by diamond drilling at Browns Creek and Lewiston sites and drilling is in progress at the Fairview site.

When the investigation was first started, the U. S. Fish and Wildlife Service was requested to make a study of the fish problem and recommend the proper procedure for its solution. The service, in cooperation with the State Fish and Game Commission, has been working on the problem for the past year and a half, utilizing funds provided by the bureau.

As soon as the report is received from the Fish and Wildlife Service and the diamond drilling is finished at the dam sites, estimates of cost will be made and a preliminary report will be prepared outlining the possibilities of the diversion by various plans. The report will suggest the best plan for accomplishing a diversion taking into account costs and benefits.

In estimating the quantities of water that may be diverted from Trinity River account will be taken of the water needs of the Trinity and main Klamath Valleys for domestic and industrial purposes, irrigation, mining, fish and wildlife, recreation, and power. Upon completion of the tentative report the suggested plan would be submitted to local interests, the State, and other Federal agencies prior to submission of a final report to Congress in which recommendations would be made. Such recommendations would take into account all pertinent suggestions and weigh the costs and benefits, keeping in mind the necessity and maximum beneficial development and utilization of the natural resources of the area as a whole.

### III. Relation of Table Mountain Dam to Proposed Trinity and Klamath Projects

3. "A description of your studies in connection with the proposed Table Mountain dam, and the alternate plan for dams on tributaries and their relation to the Klamath, Trinity, and other proposed developments in the Sacramento Valley."

The proposed Table Mountain Dam is a feature of the entire Central Valley Project being studied by this office as a part of a comprehensive reclamation program for the Central Valley of California. The objective of the program is the maximum conservation and utilization of water resources of the State of California to produce the optimum benefits for irrigation, navigation, generation of electric energy, and other uses. Storage facilities for these purposes will also serve to minimize flood damage.

Studies indicate that in order to make full beneficial use of the water resources of the Central Valley Basin, it will probably some day be necessary to provide additional storage in the Upper Sacramento Valley. This storage might be found either in a reservoir from a dam in the Table Mountain site, or in an alternative plan of reservoirs on the streams tributary to the Upper Sacramento River, or from a combination of those plans. The Bureau of Reclamation is investigating those possibilities to the extent that funds and manpower are available. In addition to irrigation, power, fishing, and recreational development, the dam or dams would provide adequate flood control.

Should our studies show that it is necessary to construct a dam at the Table Mountain site, the Bureau of Reclamation will recommend construction only when the agricultural, industrial, and other water requirements in the Central Valley Basin reach a point that would justify flooding existing irrigated lands and would offset other damages that might result from the construction of a dam at the Table Mountain site. It is the opinion of the Bureau of Reclamation, in view of preliminary studies, that construction of Table Mountain Dam should be deferred. It is also the bureau's opinion that the Table Mountain site should not now be preempted by an inadequate low dam.

To make full use of the water diverted by either a proposed Trinity River Diversion or Klamath River Diversion, additional storage will be required in the proposed Table Mountain Reservoir. Studies are not sufficiently completed to estimate what this required storage capacity would be.

To make full beneficial use of any future Upper Klamath River Diversion additional conservation storage would be required in Shasta Reservoir or in the proposed Table Mountain Reservoir. Otherwise, diversions would detract from the usefulness of those reservoirs for flood control purposes as presently planned.

Other proposed reservoirs on streams in the Sacramento Valley such as Stony Creek, Deer Creek, the Feather River, are directly connected with the Table Mountain, Trinity, and Klamath projects and their possible construction and operation will be considered in our studies.

#### IV. Possible Diversions—Entire Central Valley Project

4. "Other possible transfers from one major watershed to the other, and your plans for the full development of the water resources of the Central Valley."

Full development of water resources in the Central Valley will require numerous transfers of water from one watershed to another. Surplus water from Sacramento River and its tributaries, after storage in multiple-purpose reservoirs, would, in general, be diverted southward to adjacent lands or would be released to flow in natural channels to the Sacramento-San Joaquin Delta. Transfers would be made across the delta in natural and improved channels and the water would be pumped to the San Joaquin Valley through Delta-Mendota Canal and similar conduits. San Joaquin River water would be transferred north across Fresno River to Chowchilla River by the Madera Canal and south across Kings, Kaweah, and Tule Rivers to Kern River by Friant-Kern Canal. In addition, such water as may prove to be in excess of requirements in Sierra Nevada streams from American River to Merced River, inclusive, would be transferred to the South San Joaquin Valley.

The transfers described above are necessary to the success of the State Plan for the development of water resources in the Central Valley, the initial units of which have been approved by California voters and are now under construction by the Bureau of Reclamation. Without such transfers further irrigation development in the San Joaquin Valley would be very limited.

#### V. Policy Concerning Fish Life, and Development of Recreational Opportunities

5. "A statement of your Bureau's policy in connection with use of water for preservation of fish life and development of recreational opportunities."

In planning developments on western streams for multiple uses, the Bureau of Reclamation gives full consideration to the water required for preservation of fish and wildlife and the natural beauties of the respective areas. In this connection, we work very closely with the Fish and Wildlife Service, and the California Fish and Game Commission. It has been our policy to ask these agencies for their recommen-



dations concerning the water requirements necessary for the preservation and development of the fishing industry, and the creation of recreational opportunities for sportsmen.

The overall basin development of the Sacramento and San Joaquin Rivers and their tributaries now being studied by the Bureau of Reclamation requires a comprehensive approach to the fish problem in order to obtain satisfactory results. The Fish and Wildlife Service and the California State Fish and Game Commission are preparing a report on this subject.

The Bureau of Reclamation recognizes the possibilities of recreational development on multiple-purpose reservoirs. On the two reservoirs included in the initial features of the Central Valley Project the Bureau of Reclamation asked a committee to submit their recommendations for recreational development. This committee was composed of representatives from Federal, State, and local agencies. The recommendations of this committee are now being considered.

In order that the recreational opportunities of those reservoirs can be put to beneficial use as early as possible, the Bureau of Reclamation is now cooperating with local people in the vicinity of Redding to establish an interim program of administration of the reservoir areas pending final decision on the administration of the area. Local viewpoints will be given the fullest consideration.

#### **VI. Policy on State Water Laws**

6. "The policy of the Bureau of Reclamation concerning State water laws."

The Bureau of Reclamation recognizes and respects existing water rights which have been initiated and perfected or which are in the state of being perfected under State laws. The Bureau of Reclamation has been required to do so by Section 8 of the Reclamation Act of 1902, ever since the inception of the reclamation program administered by the Bureau of Reclamation. The Bureau of Reclamation has never proposed modification of that requirement of Federal law; and on the contrary, the Bureau of Reclamation and the Secretary of the Interior have consistently, through the 42 years since the 1902 act, been zealous in maintaining compliance with Section 8 of the 1902 act. They are proud of the historic fact that the reclamation program includes as one of its basic tenets that the irrigation development in the West by the Federal Government under the Federal Reclamation Laws is carried forward in conformity with State water laws. Ample demonstration of the effect of this law and policy of administration, in action, has been given in connection with the Central Valley Project. Water filings made by the State have been obtained by the Bureau of Reclamation by assignment, and vested water rights have been acquired by the United States by purchase, the considerations amounting to millions of dollars and being agreeable to the vendors—all in conformity with State laws. Further, other water rights of landowners which will or may be affected by the operations of the project are being analyzed and appropriate adjustments, giving full recognition of the rights of the landowners, are in the process of being worked out.



The future plans of the bureau with respect to the Central Valley Project do not contemplate any encroachment upon or interference with existing water rights other than such as can be adjusted with the owners of those water rights in the same manner as has been followed in the making of contracts for the acquisition or exchange of San Joaquin waters, full recognition being given the existing rights of landowners.

Should the United States, in connection with the development of the Central Valley Project, as now or as it may be in the future authorized, desire to obtain or develop additional water supply for the project, it is and will be the intention and the clear policy of the Bureau of Reclamation to obtain or develop the additional water supply by proceeding in conformity with the State law.

#### VII. Policy of Amount of Water That Can Be Diverted

7. "Your policy in connection with the amount of water that can be diverted from one watershed to another in proposed diversions."

Our policy in connection with this matter is to conform with the act generally known as the "County of Origin Act" which is contained in the State Water Code (Section 11460). This statute provides:

"In the construction and operation by the authority of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the authority directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein."

As viewed by the bureau, it is the intent of this statute that no water shall be diverted from any watershed which is or will be needed for beneficial uses within that watershed. The Bureau of Reclamation in its studies for water resources development in the Central Valley consistently has given full recognition to the policy expressed in this statute by the Legislature and the people. The bureau has attempted to estimate in these studies, and will continue to do so in future studies, what the present and future beneficial needs of each watershed will be. The bureau will not divert from any watershed any water which is needed to satisfy the existing or potential needs within that watershed. For example, no water will be diverted which will be needed for the full development of all the irrigable lands within the watershed nor would there be diverted water needed for municipal and industrial purposes or future maintenance of fish and wildlife resources.

#### VIII. Expression of Local Viewpoint Regarding Proposed Projects

8. "Does your bureau give an opportunity for expression of local viewpoint in connection with proposed projects?"

During the earlier stages of its studies, the Bureau of Reclamation secures data from all possible sources, in which process it contacts affected irrigation districts and users of water in the area involved. As soon as an inventory of the water and land resources of the area has been secured and a tentative plan can be outlined, local interests are contacted and asked for comments and suggestions on the tentative plan. The final

report is revised to comply with desires and suggestions of local interests where such revisions are feasible. The final report is then submitted to the landowners and prospective water users who are usually represented by the district empowered by law to contract with the United States for construction of the project. The projects are constructed for and in cooperation with the local water users.

#### IX. Future Development of Water Resources

9. "A description of the future development of the water resources in the Central Valleys from the Sacramento-San Joaquin Watersheds, showing the quantities of water that can be developed for use in said watersheds."

Present land classification surveys show about 9,200,000 acres of land in the Central Valleys suitable for irrigation farming. Approximately one-half of this acreage was under irrigation in 1944, utilizing approximately 8,500,000 acre-feet of water. Irrigation of the remaining acreage will require a comprehensive system of new reservoirs in the Central Valley, operated in coordination with existing reservoirs. Principal of these new reservoirs as now contemplated, on the basis of existing engineering information and studies,

<i>Reservoir Site</i>	<i>Stream</i>
Table Mountain	Sacramento River
Indian Valley	North Fork Cache Creek
Monticello	Putah Creek
Big Bend	North Fork Feather River
Bidwell Bar	South Fork Feather River
New Bullards Bar	North Fork Yuba River
Narrows	Yuba River
Garden Bar	Bear River
Folsom	American River
Coloma	South Fork American River
Nashville	Cosumnes River
Ione	Dry Creek
New Hogan	Calaveras River
New Melones	Stanislaus River
New Don Pedro	Tuolumne River
Cooperstown	Dry Creek
Snelling	Dry Creek
Buchanan	Chowchilla River
Hidden	Fresno River
Pine Flat	Kings River
Terminus	Kaweah River
Success	Tule River
Isabella	Kern River
Tulare Lake	
San Luis	San Luis Creek
Avenal Gap	Avenal Creek

These reservoirs and numerous smaller reservoirs, mostly in the mountains, will make available approximately 9,000,000 acre-feet of useable new water annually. Based on present estimates of ultimate irrigated areas and assuming probably future stream run-off as in the past, this new supply, together with that now available and with reasonable diversions from Trinity River, should be sufficient for the prospective needs of the Central Valleys for irrigation, municipal and industrial purposes, recreation, fish and wildlife.

To attain the full development of the water supplies of the Central Valleys described above will require a thoroughly coordinated plan for construction and operation of all reservoirs and other features.

In general the reservoirs listed above are those proposed in the State Plan of 1931 for the Central Valley. Certain changes have been made, however, by reason of information which has become available since 1931 relative to dam sites, stream flow and the extent of irrigable lands.

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Resolution

WHEREAS, In the furtherance of the Central Valleys Water Project of the State of California, there is being constructed the Shasta Dam in Shasta County; and

WHEREAS, It is contemplated that there be constructed in the County of Trinity a project that will supplement said Shasta Dam, which Trinity County project is commonly known and designated as the Fair View Dam, the same being the Trinity River Diversion Project of the Statewide Water Plan of the State of California; and

WHEREAS, The County of Trinity is rich in mineral and timber resources and needs only cheap electric power to open up a vast area to mineral and lumbering development, and which will employ large numbers of men in said development; and

WHEREAS, The power to be developed by the said Trinity River Diversion Project will fill a need not only in the County of Trinity but in the Central Valleys as well; and

WHEREAS, The Board of Supervisors of the County of Trinity feel that it is urgent to the welfare of the people of Northern California that the Trinity River Diversion Project be completed; now, therefore, be it

*Resolved by the Board of Supervisors of the County of Trinity in regular session assembled this fourth day of November, 1941, That support and endorsement be given to the said Trinity River Diversion Project of the Statewide Water Plan of the State of California and that it be respectfully urged that construction commence immediately to further the greater development of this area in its industrial aspect; and it is further*

*Resolved, That copies of this resolution be forwarded to the Hon. Harold Ickes, Secretary of the Interior, Washington, D. C.; Frank Clark, Division of Public Works of the State of California, Sacramento, California; and John Page, Commissioner of Reclamation, Washington, D. C.*

AYES—Harvey L. Bigelow, Supervisor, Second District; Clarence Laffranchini, Supervisor, Third District; Frederick C. Meckel, Supervisor, Fourth District; W. X. Olsen, Supervisor, Fifth District.

NOES—None.

ABSENT—E. K. McDonald, Supervisor, First District.

ATTEST:

LEONARD M. MORRIS

Clerk of the Board of Supervisors

FREDERICK C. MECKEL

Chairman of the Board of Supervisors



I HEREBY CERTIFY, That the foregoing is a true and correct copy of a resolution passed and adopted by the Board of Supervisors of Trinity County, California, on November 4, 1941.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this fourth day of November, 1941.

(Signed) LEONARE M. MORRIS

County Clerk and ex officio  
Clerk of the Board of Supervisors

**Resolution Recommending That the United States of America Allocate to the Bureau of Reclamation the Sum of \$75,000.00 to Complete Investigation of Trinity Diversion Project**

WHEREAS, The City of Redding is keenly aware of the investigations now being undertaken by the United States Bureau of Reclamation of the Trinity Diversion Project in western Shasta County and eastern Trinity County, in the State of California; and

WHEREAS, Because of its availability for the immediate production of electrical power and energy, it is necessary that this investigation and project be completed as soon as possible; and

WHEREAS, It appears necessary that additional finances be provided to the end that plans for the early construction of this power unit of the Central Valley Project may be completed; now, therefore, be it and it is hereby

*Resolved by the City Council of the City of Redding, and it hereby recommends and urges,* That an appropriation in the amount of \$75,000 be allocated to the use of the U. S. Bureau of Reclamation in that this agency may promptly complete its work on this project.

A. H. GRONWOLDT

ATTEST:

Mayor of the City of Redding

(SEAL) H. L. GRIFFIN, JR.

Clerk of the City of Redding

**Resolution**

WHEREAS, The United States Bureau of Reclamation has been conducting an investigation of the Trinity Diversion Project in eastern Trinity County and western Shasta County, State of California; and

WHEREAS, The early completion of this investigation and project is necessary as a part of and in relation to the national war effort because of its availability for immediate production of electric power; and

WHEREAS, An additional sum of money is vitally needed to complete the studies and investigations now being undertaken to the end that plans for the prompt construction of this power unit of the Central Valley Project may be completed; therefore, be it

*Resolved,* That the Redding Chamber of Commerce, through its Board of Directors, does hereby respectfully urge and recommend that the amount of \$75,000 be immediately allocated to the United States Bureau of Reclamation for prompt completion of its work on this project.

(Signed) JOHN FITZPATRICK

ATTEST:

(Signed) DEAN PIPER, Secretary

Dated this seventh day of October, 1942.



## APPENDIX XI

**Letter From Hon. Clair Engle, M. C., to Senator Randolph Collier  
Regarding Activities of the Federal Power Commission**

We have the following letter from Congressman Clair Engle referring to the Federal Power Commission, etc., as follows:

“First, the Federal Power Commission absolutely denies that the present activity of the Army Engineers on the Klamath Diversion is at their instigation or instance.

Second, The Bureau of Reclamation denies that there has been any miscalculation by their engineers in the water which will flow into Shasta Lake. The Shasta Dam Project is, of course, a Bureau of Reclamation project and the Army Engineers have nothing to do with it.

These two statements alone would seem to shoot the base out from under the representations of the Army Engineers as to why the proposed project is necessary. I feel sure that the Federal Power Commission has nothing to do with it and I am equally sure that the people best qualified to know (the Bureau of Reclamation Engineers) have confessed no shortage in water behind the Shasta Dam.”

## APPENDIX XII

**Testimony of John C. Beebe, Regional Administrator, Federal Power  
Commission, February 19, 1945**

Senator Collier: Do you know, Mr. Beebe, what brought this matter about? Was it the announcement by the Corps of Army Engineers? This committee was created by Senate Joint Resolution No. 18 for the purpose of studying the Diversion of the Klamath River Watershed into the Sacramento River Watershed. It seems there are four (4) Federal Government agencies in this picture. The Corps of Army Engineers, The Bureau of Reclamation, The Federal Power Commission and the Federal Fish and Wildlife Service. It seems that when light and electric power comes into the picture it is referred to the Federal Power Commission for study. Have you had anything to do with this? Either you or your commission?

Mr. Beebe: I can speak for my self and somewhat for the commission. They have never taken any action in connection with Klamath River. As far as we are concerned, we are cooperating with the Army and other agencies placed in the Western States. We do that of our own volition.

Senator Collier: I imagine in that connection someone has called your attention to the agreement between the Federal Government agencies? Do you have a copy of that agreement?

Mr. Beebe: Yes, we have.

Senator Collier: In this proposal, have you been asked to do any work on this?

Mr. Beebe: Nothing has gone far enough yet to bring anything before us. It isn't an operating agency. It has, of course, judicial powers and some legislative function that have been given by the Congress. We have no survey crews.

Senator Collier: You don't do any field work?

Mr. Beebe: We depend upon other agencies for field work when studying a stream.

Senator Collier: Who does that work?

Mr. Beebe: The construction and operating agency. The Army Engineers and the bureau and others. They do the actual work.

Senator Collier: They find out the possibilities of power features? If they believe there are power features, what happens then?

Mr. Beebe: They usually refer the information to us for consideration. That is one of the last steps in the study.

Senator Collier: You haven't as yet been requested to make a study of the diversion of the Klamath River at this time?

Mr. Beebe: We haven't any of the final information. We understand they are doing the work.

Senator Collier: You haven't been requested to do any work on it yet?

Mr. Beebe: I don't know that "request" is the right word. We know they expect to do this and when the information is complete, that it will be referred to us.

Senator Collier: Did your commission in San Francisco or Washington have anything to do with the study of the diversion of the Klamath River?

Mr. Beebe: No.

Senator Collier: You don't know of anyone in your department who had anything to do with this study?

Mr. Beebe: No.

Senator Collier: Does the Federal Power Commission initiate the request that the Bureau of Corps of Army Engineers make study of any stream in power development?

Mr. Beebe: That is a rather hard question to answer because very often we have a report from the Army or other agencies to review and we then, if we think there will be some changes, we request them to give us an alternate location on different streams. I don't know of any that has originated in connection with the Army or bureau works, where we asked them to do that originally.

Senator Collier: In connection with the proposed diversion, did the Federal Power Commission request that the study be made?

Mr. Beebe: No, because nothing has gone far enough yet to have us start on. I think I would be safe in saying, that the Committees of Congress or Senate of Rivers and Harbors. We haven't been able to find where a re-survey has been asked for. I haven't kept track of everything they have done in the last three years.

Senator Collier: Did you ever make a study yourself?

Mr. Beebe: Yes, with the Forest Service.

Senator Collier: In 1932 you and others made a survey of the Klamath River?

Mr. Beebe: For the District Engineer's Office.

Senator Collier: What was your main idea in that study that you made in 1932?

Mr. Beebe: To measure the potentialities of the stream.

Senator Collier: Did you measure the potentialities of the Klamath River?

Mr. Beebe: Partly.

Senator Collier: What portion?

Mr. Beebe: We laid out a possible development of the stream.

Senator Collier: Did you take the whole river into consideration?

Mr. Beebe: All of it.

Senator Collier: What did your inventory show?

Mr. Beebe: I don't remember.

Senator Collier: Haven't you a copy of it? Who has copies of that inventory?

Mr. Beebe: It was made for the Army.

Senator Collier: The Corps of Army Engineers?

Mr. Beebe: Yes, I was working for the Forest Service at that time.

Senator Collier: In setting up the Federal Power Commission as an independent agency, did Congress in that act set up any policy as to duties and functions?

Mr. Beebe: Yes. I have a copy of the act.

Senator Collier: What were your functions, briefly?

Mr. Beebe: I might say, we just had some preliminary figures. Nothing final.

Senator Collier: Where did the preliminary figures originate?

Mr. Beebe: Well, just rough draft figures, yes. Nothing complete; nothing complete enough to get any conclusion from.

Senator Collier: You haven't reached any conclusions?

Mr. Beebe: No.

Senator Collier: You speak of this rough draft. Where did you get the figures from?

Mr. Beebe: Current material from the Army. Not any finals.

Senator Collier: Then, you are doing something on the Klamath River.

Mr. Beebe: As we are on every other State. In other words, as these figures and information develop, we take them and make inventories and catalog them. In two years, we hope to have something for you.

Senator Collier: Do you think the Federal Power Commission could have a study ready for the Corps of Engineers, if you are asked by August of 1945?

Mr. Beebe: Well, if they supply us with the information.

Senator Collier: You believe this could be accomplished?

Mr. Beebe: Yes.

Senator Collier: Are you making a survey on the Central Valley, Mr. Beebe?

Mr. Beebe: Only as subsequent to use the water for other purposes. Irrigation has the prior right to use the water, in the Western States.

Senator Quinn: Why make the surveys? You have to find out about the water first, don't you? Has anyone submitted to you—the, what uses are going to be made of the water if not used for irrigation and the other purposes come prior to power?

Mr. Beebe: Not on the Klamath.

Senator Quinn: Have they in the Central Valley?

Mr. Beebe: They have in some cases. In many cases.

Senator Quinn: Have they up through the northern part of the Sacramento Valley?

Senator Collier: We are also taking in the river, too. That is part of the watershed.

Assemblyman Burns: When you say you could make a final report in August of 1945, all other preliminaries and other things from other agencies would be submitted to you?

Mr. Beebe: Yes.

Assemblyman Burns: You could file your complete report then? Don't they deal a lot with the Federal Wildlife Commission?

Mr. Beebe: When we get the Army report, it should have that.

Assemblyman Burns: You would assume, if the Army couldn't get it for four years, you would also have to wait.

Mr. Beebe: Absolutely! We could base the report on the information the Army submitted, any time, but then it would be based on their assumptions.

Assemblyman Burns: Their conclusions would have to come before yours?

Mr. Beebe: Yes.

Senator Collier: What I am trying to find out is, has the Federal Power Commission, to your knowledge, in any way had anything to do with this proposal or any previous?

Mr. Beebe: No.

Senator Collier: The reason I ask the question is that it is prevalent that this study is, that the main features are for electric power?

Mr. Beebe: Yes.

Senator Collier: Did the Federal Power Commission in any way instigate this proposal?

Mr. Beebe: I know they didn't out here and I am sure I would have heard of it if it had been investigated in Washington. I would have received a copy of the letter.

Senator Quinn: I understood the reason the Army Engineers investigated this was to get material to put in your report?

Mr. Beebe: No, they, the Army, can make their own report.

Senator Quinn: You mean, after your report is in?

Mr. Beebe: No, before.

Senator Quinn: Have you now a survey of the power being developed in the Sacramento Valley or San Joaquin, that is now being developed? Do you have the figures on that?

Mr. Beebe: We have all the figures. We get monthly reports.

Senator Quinn: Do you have it in a form that it could be submitted to this committee? Our power supply arises not by basin lines, it covers the area the same as northern California and includes some of Nevada. You are carrying a certain load. Could you furnish the information on that?

Mr. Beebe: It is all in one pool. Added to that is what is the future possibilities for the development of power and point of origin. We can't do that yet.

Senator Quinn: Have you got now, any surveys on the power that you could develop on a river like the American River.

Mr. Beebe: Back in the 1920's the commission published a book on the water powers of the American River.



Senator Quinn: My point is this. We can probably get more than this. Before we want you to come messing around with our rivers, we want to know what you have done about development—what the possibilities for development of power are on all the other rivers running into the Sacramento River and Klamath River.

Mr. Beebe: The Army is going to change the figures materially.

Senator Quinn: The Army says it doesn't have anything to do with this.

Mr. Beebe: The Sacramento Division is doing some study on it. There is a planning program. Your planning is on a broad basis. No dates on it. When you come to build something, it is entirely different. These studies are on a broad plan.

Senator Quinn: Then, years later, they will say, we will do this job or another job? You don't know; planning is something you don't think there is going to be any need of?

Mr. Beebe: I think our philosophy is, we ought to know the maximum that can be obtained. We wouldn't want to have some power developed that is going to stop that development in irrigation. In planning comes down to building something that isn't going to conflict with some of the other things.

Senator Quinn: Are you making surveys?

Mr. Beebe: I am.

Senator Collier: What I want to find out now is, what are the power needs of California today? Do you have any figures?

Mr. Beebe: Yes.

Senator Collier: Have you made any estimates on the future needs of power in California? Let's say, in five (5), ten (10), fifteen (15) or twenty (20) years?

Mr. Beebe: We have made some estimates, yes.

Senator Collier: From the present sources of power in California, will you have to develop more hydroelectric places to take care of future needs?

Mr. Beebe: Yes. Unless you are going to stagnate in California, we must have more power.

Senator Collier: The power needs of California in five (5), ten (10), fifteen (15), or twenty-five (25) years—then from that, is it necessary to bring the waters of the Klamath down for purposes in order to take care of California for the next five (5), ten (10), fifteen (15) or twenty-five (25) years? Could you work that out for us? I am trying to find out when it will be necessary to divert the waters of the Klamath in order to meet the power needs.

Mr. Beebe: I don't think you can state that.

Senator Collier: Is it needed immediately?

Mr. Beebe: I don't think so.

Senator Collier: How many years would you say?

Mr. Beebe: I am no prophet. I don't believe in my life time.

Senator Collier: Then, you don't think it is possible to set out the power consumption in California today?

Mr. Beebe: Yes.

Senator Collier: Do you think it is possible to estimate future needs of power for California?

Mr. Beebe: Not accurately.

Senator Collier: Within a reasonable allowance of say five (5), or ten (10) years?

Mr. Beebe: Beyond that, yes.

Senator Collier: Taking this electric power feature of the State Water Plan showing maps on the reservoirs up and down Central Valley, would it be possible to determine from that when the power needs—when the water of the Klamath would have to be brought in to fulfill the needs of California?

Mr. Beebe: No.

Senator Collier: Would that be possible? You think it is far in the future?

Mr. Beebe: No, I don't think it far in the future. I will read to the committee part of an address of Honorable Leland Olds, at Seventeenth Annual Conference, Association of Western State Engineers, Denver, Colorado, delivered by him on November 14, 1944.

"I am in fundamental agreement with that regional outlook. I believe that a democratic civilization to remain healthy must be rooted in active local and regional democracy. And to me that means, among other things, the greatest possible local and regional participation in the development and use of our resources. I am convinced that cooperation between Federal, State and local agencies will be worked out with this end in view.

In this statement I express the sentiment of our entire Commission. It will actuate us as we play our part in the country's post-war development. And I trust that the States will come to look on the Federal Power Commission as a service agency, equipped with certain experience and data, which should enable it to be of assistance to you in your plans.

In this connection, let me interject a brief reference to the fact that the Federal Power Act, in many of its sections, accords the State and local interest in water resources a primary preferential status. In fact, I often wonder why the States have not taken advantage of what the act offers them, instead of so frequently treating its provisions, as interpreted by the courts, as an unwarranted invasion of State jurisdiction. Those who are hypersensitive to possible encroachment, it seems to me, have either failed to read the act or have been misled by those deliberately serving the interests of corporations subject to highly centralized financial control.

The provisions of the Federal Power Act, of special interest to the States, may be briefly summarized as follows:

In the first place, the act provides that the application of a State or political subdivision of a State to develop the power resources of a site or at a government dam, shall be accorded priority as compared with the application of any private interest.

In the second place, the act provides that licenses for the development of power by States and municipalities shall be issued and enjoyed without charge to the extent that the power is sold to the public without profit or used for State or municipal purposes.

In the third place, the act provides that, as a condition to receiving a license, an applicant must submit satisfactory evidence of compliance with the laws of the State or States within which the proposed project is to be located with respect, among other things, to the appropriation, diversion, and use of water for power purposes.

In the fourth place, in Section 27, the act contains the iron-clad provision "that nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or in any vested right acquired therein.

And, finally, the act provides for cooperation of Federal Power Commission with appropriate State agencies in the necessary surveys and investigations concerning the utilization of the water resources of any region to be developed, the waterpower industry and its relation to other industries, the relation of power sites to markets and other matters of importance in the exercise of its functions."

Mr. Beebe: Our commission has cooperated pretty fully with the State.

Senator Collier: If local people were against a proposal of the commission on something under investigation, to what extent would you take the local opinion? What consideration would you give it?

Mr. Beebe: We would give it very serious consideration.

Senator Collier: There are times some small local group doesn't affect the community as a whole? If you were positive it was the majority of people involved, what would the commission do about it?

Mr. Beebe: They would probably act according to the majority. You can't prophesy what five (5) men are going to do.

#### APPENDIX XIII

##### Testimony of Raymond Matthew, State Engineer's Office

Senator Collier: Mr. Matthew, have you made any studies or looked into the possibilities of power development on the Klamath River?

Mr. Matthew: No, we have never made or initiated any study on the power. We have reviewed the various studies of the Federal Power Commission and others.

Senator Collier: Has the Federal Power Commission made a study on the Klamath?

Mr. Matthew: The only report was put out in 1928 by Mr. Bonner.

Senator Collier: Who did he do that work for, Mr. Matthew?

Mr. Matthew: I think he did it for the Federal Power Commission or in connection with the United States Forest Service. He was District Engineer of the United States Forest Service at that time. The Forest Service, as I understand it, had certain duties and responsibilities in connection with the Federal Power Commission set-up. It was done through the District Engineer's Office of the Forest Service. Licenses and power potentialities on various streams. In Northern California, now, the load is about nine and one-half billion kwh.



Incidentally, the load in Southern California is about the same or a little less. About 18,000,000,000 kwh. in California. Of course, the load reflects very largely the abnormal use of power for war purposes and, when the war is over, it would be probable that there would be a temporary reduction in load.

Senator Collier: You wouldn't think there would be an increase?

Mr. Matthew: I think that there would be a reduction in power demands after the war, temporarily. If the State grows as I think most everyone thinks it is going to grow, the trend of industry will be upwards. We have made a preliminary estimate for 1950. The load in Northern California will be about the same as now, 9,500,000,000 kwh.

Senator Collier: How about Southern California? Have you made an estimate of that yet?

Mr. Matthew: No. I haven't a figure but I think it would be approximately the same. The figures I was about to give are for Northern California in 1960. That would be going quite a long way out on a limb. We made a preliminary estimate for 1960 of 12,700,000,000 kwh. in Northern California.

The maximum annual demand corresponding to these energy figures is somewhat of a guess. These are all approximate figures, of course, but in 1950 the maximum annual demand would, perhaps, be about 1,800,000 kilowatts. The demand in 1960, if the estimate is anywhere near right, would be about 2,400,000 kilowatts on a capacity basis. In other words, the power demands, as estimated, will grow from 1,800,000 to 2,400,000 kilowatts.

The present facilities serving this Northern California market as of last year consist of about 1,322,000 kva. in hydro and 644,000 kva. of steam-electric or a total of 1,966,000 kva. of installed capacity. The large proportion of hydro is notable.

Senator Collier: You say about two-thirds?

Mr. Matthew: Yes, sir. Most of that capacity is owned and operated by the Pacific Gas and Electric Company but nearly all of the plants are interconnected and the Pacific Gas and Electric Company obtains power by interchange from nearly all the generating capacity there is in the region. Those figures that I gave as to installed capacity do not include the Shasta and Keswick plants of the Central Valley Project, which will add 450,000 kva. of unallotted capacity; Shasta, 375,000 kva.; and Keswick, 75,000 kva. When those capacities are added it is estimated that all of the production facilities in Northern California area will have a dependable output capacity of about 1,700,000 kilowatts. That is about 100,000 kilowatts less than estimated demand in 1950.

Senator Collier: Mr. Matthew, referring to the table on page 26 of the report on electric power features of the State Water Plan in the Central Valley Basin, what would be the situation in 1950 if the American River Project had been constructed and placed in operation?

Mr. Matthew: Referring to this table, if the American River with 295,000 kilowatts of capacity were brought in before 1950, then in 1950 you would have an approximated excess of 195,000 kilowatts, depending upon the kind of power produced therefrom. That would take care of the shortage for 1950.



May I first make a general statement? If the load in 1960 reaches 2,400,000 kilowatts in demand, we will need some 600,000 to 800,000 kilowatts of additional capacity to take care of the load between now and that time. A large part of this potential power from these units of the State Water Plan could be used in meeting the market demands. The Water Project Authority has taken the position that, insofar as practicable, the increased power demands should be met from these projects that will be used and needed for flood control and other purposes.

Senator Collier: If all the nine (9) units are built, the power needs and other needs of California are taken care of many years in advance?

Mr. Matthew: I wouldn't say that. We think it would be in the public interest that these projects be utilized to take care of the increased power demands. The priority listed in this report is based upon their possible utility in meeting power demands and also consideration of their need for the other purposes to be served. I should point out this; there is a lot of other potential power—hydro-electric power that can be developed. The several agencies concerned, with State and Federal, will have to get together and decide, if any when these projects should be developed, and work out a program.

Along with hydro development there must be a lot of steam-electric power. You have to have steam along with hydro-power in order to provide an assured dependable power supply. It looks as though you would always have to have a minimum of from twenty-five per cent (25%) to thirty-three per cent (33%) of your total power capacity in steam plants.

Senator Collier: How long would the power in the Central Valley meet the needs?

Mr. Matthew: I don't think I can answer that question. However, I might say that if this anticipated growth that I have given you is correct, if that materializes, there is enough power in the Central Valley Area to take care of the increased demand without going to the Klamath, up to 1960.

The committee recessed to reconvene at the hour of 1.30 p.m. o'clock.

Mr. Beebe: Sometime this morning in discussing the work that the commission is doing in connection with the Army and the bureau, I made a statement for the authorization standpoint—the commission is required to cooperate with the Army and we are not required to cooperate with the bureau, but with an agreement with the bureau and our office to cooperate. It is not mandatory.

Senator Quinn: You made a statement regarding power. Of course, if there is no need for further power under present set up, according to your general trend of—that would apply to the Trinity River as well as the Klamath, would it not?

Mr. Beebe: It would to a certain extent. In all our estimates we would include the Trinity Diversion as set up and ready to go as soon as needed. No present need at this time. Sometime in the future.

Senator Quinn: Why do you designate between the Klamath and the Trinity?

Mr. Beebe: In the way you put the question. I don't think any one thing of the Klamath.

Senator Quinn: Why do they want to do it if there is no need for it now?

Mr. Beebe: It seems to me due to any sound plan in the future, that must be done.

Senator Quinn: They must estimate ahead of time? They must make an investigation and report, and the amount of water to be diverted? They haven't any final studies of the rock or know where the dam can be built?

Mr. Beebe: No excavation yet.

Senator Quinn: Are they doing that exploratory work now? I should think it would be a good thing.

Mr. Beebe: I don't know.

Senator Collier: Mr. Matthew, do your statements take in the Trinity Diversion?

Mr. Matthew: I think I clarified that this morning, Senator.

Senator Quinn: Then, if there is no immediate need for additional waters out of the Klamath in the Central Valley that would apply as well to the Trinity as it would to the Klamath, would it not?

Mr. Matthew: Yes, I think so.

Senator Quinn: Well, you wouldn't be diverting water unless there was some good reason for it other than water supply?

Mr. Matthew: I wouldn't think any of the statements I made make any difference between the two. I merely pointed out that the Trinity Diversion was part of the State Water Plan adopted by the Legislature.

#### APPENDIX XIV

Testimony of Frank E. Bonner, Consulting Engineer, Eureka Chamber of Commerce—February 19, 1945

Senator Collier: Colonel Bonner, what do you know of this study, for diversion of water from the Klamath and Trinity Rivers?

Lt. Col. Bonner: The Eureka Chamber of Commerce is representing this matter in joint interest of Del Norte, Trinity and Humboldt Counties.

Senator Collier: Please tell this committee your qualifications.

Lt. Col. Bonner: I have been in engineering work 35 years, I was in the Government service and before that in the ----- part of that in the Forest Service, Bureau of Reclamation and following that in private practice, mining projects, irrigation and power, principally in California and the last two and one-half ( $2\frac{1}{2}$ ) years I have been in the Army.

Senator Collier: When you say "Army," what do you mean?

Lt. Col. Bonner: In the Corps of the Army Engineers, one and one-half ( $1\frac{1}{2}$ ) years overseas commanding an engineering regiment in the Solomon Campaign. Here I would like to make it clear the objections of the lower basin county people in regard to the various objections they have against this plan based on its adverse affect on recreation, fishing, etc.; they are not my particular concern but my direction is to simply present to your committee what is in my jurisdiction which affects the power engineering, etc. On that I can only say that the people of the lower basin are very much opposed to the plan. The power that can be developed with the water down the Pit River will be more expensive than if developed down the Klamath. There will be an actual loss of power by bringing it over the Pit than there

will be from bringing it down the Klamath. We are opposed to any power being developed below the Shasta River. While a diversion is suggested it would have a very serious effect on the lower developments. We are willing to stand on the agreement but we think when the development by the Pit is appraised in the proper way, it will be found that there is an actual loss bringing it in that way. Something in the amount of \$4,-200,000 loss by the State. You could get 400,000,000 kwh. more by developing power from Keno to Klamath than you would get if you brought it down the Pit river. Develop the power in the channel. It would make more power. I will give you some rough figures. I believe the Engineers estimate that aqueduct out of Klamath beyond 900 second-feet—to limit the size to—in other words, their diversion will have a capacity of 900 second-feet. Appraising the power for several demands—until irrigation, that aqueduct might be kept full. That, probably, would require the reservoir and Sprague River now under investigation. A report made by the Army Engineers in 1933 tentatively lines up the diversion of the Klamath River. They show the head loss required to get the water from Tule Lake, and we feel that that is not near enough. Lighting of power across the construction cost will require a lot more drop along that ninety-five (95) miles of aqueduct. I think the drop is 200 feet in elevation where actually we feel that is going to be more than doubled so that the first power plant they plan to have near Pitville will be reduced to about 270 feet. Also, that plant won't be capable of producing very high quality of power. It will have to be in flat load. No drop between tail water of that plant and the diversion works of Pit No. 1 and Pit No. 3. Pit No. 3 and Pit No. 5, the developments are pretty well proposed to water supply now available. It is estimated that the two (2) plants will have to be paralleled. I don't believe any consideration has been given heretofore of loss through that tunnel. There is thirty-nine (39) miles of tunnel. Far above the water table. An enormous leakage. We have estimated that they would lose about 100 second-feet. You would have to line every foot of the tunnel. There would be no replacement along the aqueduct. The Pacific Gas and Electric Company brings in local water from smaller streams. The actual new capital to utilize the same would be about \$30,000,000. The cost of operating, maintaining, pay interest charges on those power facilities would be about \$3,000,000. The value of that power is just about equal to the cost of carrying the power plant investment alone, if you could get the power dumped into Fall River. The power won't return any investment level that could be applied against the \$50,000,000 or more. If you get the water free, the power produced would be just about the cost of carrying that through. The billion and one-third k.w.h. that you get out of that and whereby the Army Report of 1933, and I believe these figures are totaled from Mr. Beebe's report, it shows that developing the Klamath along its natural course from Keno and including the Bluff Creek site from Keno on, there may be produced about one billion, three hundred thousand k.w.h., so, therefore, the difference between that figure and the billion and one-third of the Klamath would be a perpetual loss of public output. An enormous compensating advantage that they don't take into account either the power along the lower part of the Klamath. There are enormous power resources which I think sometimes—it might be a long way off. It would, of course,



raise the cost of the power produced in amount of one-third until you get into the jurisdiction of the Trinity River. Coming to the point of need for this water. I don't believe it has been mentioned where it would be used or if Table Mountain was used.

Senator Collier: Colonel Moore stated they didn't know where it could be used.

Lt. Col. Bonner: To support that statement, I would like to read just a few passages from the State Report of the San Joaquin River Basin, Bulletin No. 29 (1931). By utilization of the proposed ultimate physical loss of the State Water Plan—of the State water including the Trinity River Basin—

Our people feel the same way about the Trinity as the Klamath. The power is hopelessly uneconomical.

"It has been demonstrated in analysis presented in another report\* that by the utilization of the proposed ultimate physical works of the State Water Plan in the Sacramento River Basin including the Trinity River Diversion, regulated supplies, without deficiency in amount and dependable in time, could have been made available in the principal streams during the dry period 1918-1929, to irrigate all of the net irrigable area in the Sacramento Valley, after allowing gross diversions for the irrigation of all of the irrigable foothill and mountain valley lands in the Sacramento River Basin. The analysis also shows that there would have been a large surplus of water in every year, over and above all needs in the basin above the Sacramento-San Joaquin Delta."

Lt. Col. Bonner: That means, before you could ever have secured the approval of Sacramento Valley people to permitting the appropriation to any water to San Joaquin, you would have to show you proposed to irrigate every kind of land that they had left.

Senator Quinn: The waters they deeded there, would there be enough waters left in the watershed?

Lt. Col. Bonner: I don't know if that was deeded.

Senator Quinn: I mean, were they getting any other water from the Klamath or Trinity?

Lt. Col. Bonner: No sir, from their own local supply.

Senator Quinn: Would it be sufficient water?

Lt. Col. Bonner: I will read other passages from the State Report of the San Joaquin River Basin, Bulletin No. 29, (1931).

"The total ultimate average annual requirement for the Sacramento-San Joaquin Delta, including salinity control, would amount to about 3,590,000 acre-feet. A portion of this would be contributed by water from the San Joaquin Valley streams. However, if the entire amount had been obtained from Sacramento Valley waters during the 11-year period 1918-1929, there still would have been surpluses in the maximum and minimum years or 11,399,000 and 2,164,000 acre-feet, respectively, and an average annual surplus for the period of 6,702,000 acre-feet.

"The ultimate development of the San Joaquin River Basin will require the importation of available surplus water supplies from the Sacramento River Basin.

\* Bulletin No. 26, "Sacramento River Basin," Division of Water Resources, 1931.



"In the lower San Joaquin Valley, a region wherein water supplies are adequate if conserved, all classes of irrigable land have been included in estimating the required irrigation supply.

"For the upper San Joaquin Valley, where supplies from outside sources will be required, the cost of such importation would be relatively high and in general would exceed that of developing local sources of supply. Therefore, it has been assumed that, under conditions of ultimate development the maximum practicable utilization of all local sources of supply will be made and service will be justified only for the better lands. In evolving that portion of the State Water Plan pertaining to the furnishing of a water supply to the upper San Joaquin Valley, the area of service was taken to include only lands in Classes 1 and 2.

"The average seasonal amount of water that would have been required to be imported from the Sacramento River Basin would have been about 2,000,000 acre-feet, exclusive of an average seasonal amount of about 1,000,000 acre-feet of return flow and surplus water from the lower San Joaquin Valley intercepted by the San Joaquin River Pumping System and utilized in the areas served by the San Joaquin River and Mendota-West Side Pumping Systems, which would be replaced in the delta by Sacramento River water.

"The ultimate State Water Plan would furnish \* \* \* a supply of 1,570,000 acre-feet per season, with a maximum seasonal deficiency of 35 per cent in an exceptionally dry year, for the irrigation of all of the net irrigable area of 772,000 acres of Classes 1 and 2 lands lying on the western slope of the upper San Joaquin Valley.

"The proposed Mendota-West Side Pumping System departs from the Mendota Pool at elevation 159 feet, with a constructed canal extending southerly along the most favorable topography. Height of lift in feet: totals 150; average weighted lift, 116.

"The location of the Mendota-West Side Pumping System is in general along the lower edge of the lands to be served. The utilization of most of the water supplies delivered through this conduit would require the construction and operation of local pumping projects having total lifts varying from 250 to 500 feet."

Lt. Col. Bonner: The charge would be about \$8 for alfalfa; \$6 for cotton; no crop higher than \$8, except oranges which might stand \$30. It would be reasonable, gentlemen, to believe, that all that 772,000 acres is not going into oranges.

Senator Quinn: You estimate that it would be charged—\$22 per acre overall for the water?

Lt. Col. Bonner: That isn't paying interest on the \$50,000,000 to get it from the Klamath.

Senator Quinn: That would be the cost from the delta on down?

Lt. Col. Bonner: Yes sir. That would apply to normal and not wartime conditions as we have now. One other point. This is a passage from Bulletin No. 25, Report to Legislature of 1931 on State Water Plan (1930), page 112:

"Investigations have been made of other reservoir sites in the Sacramento River Basin upstream from the major reservoirs, and

on streams on which no major reservoirs are proposed, to determine the possibilities of obtaining additional regulated flows. It is found that the yield from the Yuba River probably as much as 170,000 acre-feet per year by the use of other known reservoir sites.

"A relatively small additional yield also could be obtained from the American River and some of the small streams entering the Sacramento Valley from the east and west side foothills. If it should be demonstrated that a safe dam could be constructed in the lower canyon of the Sacramento River, near Red Bluff, to create a reservoir with a capacity of about 1,000,000 acre-feet, an additional regulated supply of over 600,000 acre-feet could be obtained from this river. A still further increase in yield could be obtained with a greater storage capacity.

"A preliminary study indicates that it would be physically feasible to divert 500,000 acre-feet annually from Eel River into the Sacramento River Basin without impairment of the present uses on the upper reaches of the stream."

Lt. Col. Bonner: I would judge beyond the State Water Plan you might get at least 100,000 acre-feet from other reservoirs to be built within the immediate future.

The amount planned to be given from the Trinity was something like 900,000 acre-feet which about one-half ( $\frac{1}{2}$ ) was to be used for irrigation and the rest to run down into the delta. In ordinary years to the Golden Gate and wasted.

We submit, Mr. Chairman, absolutely no need of bringing this water here for irrigation. If so, it would be too expensive to use. Loss of power. Power would not be valuable enough to pay for more than the power plants themselves. The Trinity works out the same way.

If the Army Engineers can work out the reservoir it would be very desirable, not only for fishing down the river but also for eventual development for power. I think that part of the investigation should be very desirable. That part where there is use of the river body and that part affected by fluctuations, they have put in a small afterbay. I doubt if there would be very much power. The best knowledge I have from the report is, that there is plenty of water to meet—no need of diverting water from the Klamath River Watershed for power or irrigation. I don't see any excuse for it.

Assemblyman Heisinger: You would recommend to the committee that there should be a diversion? Or, that there should never be a diversion from the Klamath River or the basin?

Lt. Col. Bonner: I would put the Trinity diversion in the same class. You could never make the power pay bringing it out of the Klamath River or Basin.

Assemblyman Heisinger: Would there be a great loss of power in connection with the diversion from the Trinity?

Lt. Col. Bonner: Yes. If you divert that water away from the Klamath Channel between Keno and Klamath, you will have robbed the whole of Southern Oregon and Northern California of its one source of power. There wouldn't be enough water left in the channel to run the two plants there.

Assemblyman Burns: What would the Trinity Diversion cost? What are the power features?

Lt. Col. Bonner: State Bulletins estimate the total cost at \$62,000,000; annual charge \$4,000,000. Power value if the project is in operation primarily for irrigation net \$1,900,000 per year, after taking full credit for power. That is the part that would have to be paid for by irrigation. The cost per acre for land irrigated, \$125 per acre at powerhouse tail water. Cost of getting water to land about \$225 to \$250—mostly Class 3 land; very poor type of land.

Assemblyman Burns: I have worked a lot with it in the last years. Statements have been made that if these dams were put up that there would be a certain amount of miles along that river from the dam on and 25 miles up to 85 miles, that the bed in the dry summers would be dry. What would you say?

Lt. Col. Bonner: I wouldn't say it would. I would say as the project is proposed, the conditions from Copco down to about Scott River would be about the same as the dry time part of the driest season which was 1931.

Senator Collier: Would that be the condition?

Lt. Col. Bonner: Yes, except during the very wet period of the year.

Senator Collier: You recognize that that was very harmful?

Lt. Col. Bonner: When dry seasons occur, they are harmful.

Senator Collier: Is there an assurance that even that much would go through there?

Lt. Col. Bonner: Yes, to assure you, two-thirds ( $\frac{2}{3}$ ) would go through there.

Senator Collier: Another thing—would it be your opinion that they would have sufficient water in storage to be able to give a continuous electric flow and still let that amount of water go down?

Lt. Col. Bonner: We can't tell exactly what the ultimate requirements of electricity on the Klamath Project may be.

Senator Collier: Let's assume it would take it all. They might get pressed for the power and unless guaranteed by the contract—

Assemblyman Burns: What I conclude from your statements is, that you couldn't have this Pit minimum flow and constant unit flow of electricity at the same time in a dry season. Could you?

Lt. Col. Bonner: Yes, sir. Under the conditions of immediate future, diversion of 900 second-feet; the 200 second-feet would go to the dam. It would pick up a little more at Keno.

Assemblyman Burns: They are providing for sufficient storage?

Lt. Col. Bonner: Yes, sir. Additional regulation of the Sprague Reservoir.

Senator Quinn: How about the Trinity?

Lt. Col. Bonner: The Trinity—the last study of the Trinity was, they just contemplated release of about 200 second-feet.

Assemblyman Burns: That would be about a dry bed. It gets very low. You would think it would affect the small beds on the Trinity?

Lt. Col. Bonner: It would probably uncover them.

Assemblyman Burns: In a fish spot especially.



## APPENDIX XV

Brief Presented by Klamath Chamber of Commerce Including Organizations, Agencies, and Individuals Concurring in Brief by Klamath County Chamber of Commerce and Tables on Agricultural Production

(Addressed to U. S. Engineers Office)

We come face to face with this project, involving diversion of some of the water which we have always regarded as wholly our own, to be applied wholly to our own development, at a time when the economy of the Klamath Basin is facing a fundamental change. Hitherto industrial operations, based upon a large stand of pine timber, have provided the bulk of our basic income, with agriculture merely a growing sideline. Due largely to the war, with its immense demand for lumber for military purposes, we face at a much earlier date than anticipated a reversal of this situation, with agriculture providing the bulk of our basic income.

For example: At the peak of war production, the lumber out of the basin was approximately 800,000,000 board feet—roughly double the 1929 cut. Our timber stand will not permit continuation of cutting operations at anything like this level beyond the period of acute war need. The best sustained yield figures available indicate that the cut will stabilize at approximately 300,000,000 board feet, less than half of our present war-demand cut and only three-fourths of the 1929 level.

Obviously this will bring about a fundamental change in the economy of the basin. Unless profitable agriculture can be expanded greatly, we must face a sharp decline in our prosperity. This impending change, because of the war, is coming upon us before we have had time to survey fully and accurately our future agricultural resources. Hence our necessity in this brief to use estimates and trends. Hence also the acuteness of some of our fears.

We know that agricultural acreage must increase sharply in order to bring about the new economic balance we must strive for. Any increase in agricultural acreage calls for an increase in the amount of water needed. But that isn't all. As our tonnage per acre increases as a result of more intensive cultivation and new crops, our consumptive use of water will increase. When we apply these two factors—increased acreage and increased tonnage per acre causing increased consumptive use of water—we are convinced that at some time in the future we will need ALL of the minimum rainfall of the basin for agricultural purposes.

In order to protect adequately this area's agricultural future, it will not be sufficient to insure merely enough water for the years of good rainfall or even the years of average rainfall. We must have water enough to carry us through the years of minimum rainfall. Tree ring evidence submitted at this hearing indicates that in the past there have been long intervals of extreme drouth. This evidence is confirmed by facts based upon historical knowledge—such as the known fact that somewhere in the 1850's Goose Lake was wholly dry and was traversed by emigrant wagons whose tracks were still clearly visible when Goose Lake again went dry in the late 1920's. There is similar evidence in the case of Tule Lake. These known records correspond strikingly



with the tree ring record introduced in this hearing—so strikingly as to confirm and justify our fears of future drouth periods. They confirm and justify our belief that in order to protect the agricultural future of the Klamath Basin we must have all of the minimum rainfall for our own use.

We are assured repeatedly that we need have no fears as to our future water supply—that no needed part of what we have will ever be taken away from us. But we have before our eyes the example of Owens Valley, in Southern California, where the greater need of the greater number ultimately prevailed and the water of Owens Valley was taken to supply the needs of the City of Los Angeles and its adjacent agricultural areas. True, the farmers of Owens Valley were paid for the water that was taken from them, but no mere cash payment can compensate for the ruin of a region into whose making men and women have put their lives. Furthermore, we recall all too clearly that the townspeople and businessmen dependent on the trade of Owens Valley farmers received no compensation. Their businesses were drained away as completely as the water diverted from the farms of their trading area.

Here in the Klamath Basin we see building up below us the same pressures that resulted in the taking of the Owens Valley's water. Residents of the great Central Valley of California have insufficient water and are looking around already for every drop of moisture they can lay their hands on. They have back of them all the powerful arguments of the greatest good to the greatest number. They have vast areas of rich soil, long growing season, proximity to markets and transportation. They will always be able to make a strong case. We of the Klamath Basin don't want to be another Owens Valley. We want protection now against such a possibility.

*While it is true that Paragraph 1, Part "A", Appendix VI of the report states that it is a basic consideration that all agricultural land within the Klamath Basin above Keno which can be classified as suitable for ultimate development should be considered as possessing a prior right to any available water-supply source within the basin, regardless of the present status of development of either the land or the water supply, we submit that in view of the law this "basic consideration" can not be sustained.*

"Water being of a fugitive nature, the corpus is susceptible of use for irrigation only when controlled: and the only property rights which exist in water in its natural state are rights of use. Besides the land, it is this trinity of water, physical structures to control it and the right to use it which constitute the dominant facts in western agricultural economy. It has been repeatedly said that water is the 'life blood' of the arid and semi-arid west, but it is the 'right to use' which gives it life.

"These considerations created early customs in many western States which ripened into a system of water law. This law abrogated the the riparian water rights of the humid east and adopted the doctrine of prior appropriation under which he who first applies water to a beneficial use either upon riparian or nonriparian land

acquires a vested right to such use superior to the claim of all subsequent users. The laws of these (Western) States provide an elaborate system of administration of these rights." (National Reclamation Association Report of Proceedings of Ninth Annual Convention, p. 115.)

We accordingly submit that if the plan as outlined in the U. S. Engineer Office Report should be adopted the waters would undoubtedly be appropriated and applied to a beneficial use in the Central Valley of California long prior to the time additional lands in the Klamath Basin could be developed, and this being true further development could not be had within the Klamath Basin above Keno. Under the law there would be no water left for appropriation for these lands.

For the past several years irrigationists in the western States have viewed with alarm claims asserted by the federal government that it owns all unappropriated waters of non-navigable streams and that the return flow resulting from irrigation of Federal reclamation projects is the property of the Federal Government and therefore free of the sovereign control and supervision of the States in which such waters and projects are located. These claims are contrary to the fundamental principles of water laws in the several western States. Resolutions of protest have been adopted at the meeting of the National Reclamation Association. In Senate Joint Memorial No. 7 the Senate and House of Representatives of the State of Oregon, in legislative session in 1943, adopted the following Resolutions:

*"Be it resolved by the Senate of the State of Oregon, the House of Representatives jointly concurring therein:* That it is the determined policy of this State of Oregon to maintain its jurisdiction and control over the rights to the use of the waters in this state, and to protect such rights as have been established under the laws thereof; and be it further

*Resolved,* That it is the determined policy of this State to protect rights to the beneficial use of water within this State as against threatened Federal usurpation; and be it further

*Resolved,* That the Congress of the United States, by appropriate legislation, renounce forever the threatened usurpation, and confirm to the State of Oregon the sovereign control over the waters of this state, except the control over navigation; be it further

*Resolved,* That a copy of this resolution be sent by the Secretary of State of the State of Oregon, to the President of the United States and to each member of the Oregon delegation in the Congress of the United States."

The plan under consideration, if adopted, will forever place exclusive control over all Klamath Basin waters in the Federal Government.

In presenting our case, we want it understood, and have the facts to prove it, that we are not a martinal agricultural area, in any sense. Much of our land is among the richest in the world. Our crops are basic agricultural commodities, which will always be in demand. If the time comes when people are fed with capsules or tablets, it will be our basic agricultural commodities from which the capsules or tablets will be made.

The Klamath Basin is a young man's country. Its immense undeveloped opportunities have attracted here an unusual type of people—people with courage, enterprise, initiative and an unusual equipment of technical knowledge. It is not a marginal area. A nation-wide cross-section survey made by the U. S. Department of Agriculture in the late 1930's brought out the startling fact that average family income in Klamath County, Oregon, is the highest in the United States. If permitted to use all of its resources through the future years it will remain a great, independent economic unit contributing its full share to the future development of the Pacific Coast. But if its resources, especially its basic resource of water, are diverted from it, it must of necessity decline and fall away.

If, for example, it should become reasonable apparent that our water resources are to be diverted from us, for the benefit of some other region, the kind of people who have made and are making the Klamath Basin the outstanding American region it now is will lose confidence in the area's future and will sell their holdings now, while the market for them is good, and will get away. The vim and courage and enthusiasm, the confidence in the future and the willingness to take chances on it, that are now so much a part of the spirit of this basin, will depart, and will have left only a hollow shell.

We are assured on every hand that we are not going to be harmed. There is talk of guarantees. What guarantee? How can we guarantee now what Congress may or may not enact in the future? How can we be guaranteed against what the Supreme Court may or may not rule in the future? How can we of the Klamath Basin be given guarantees that a vital part of our water supply may not be taken from us at some time in the future under the pressure of the argument of the greatest good to the greatest number?

Because of all this, we fear the construction of any facilities that may commit at any time in the future any part of our water resources to any other area.

The following engineer's report is made a part of this brief, offering a technical basis for our opposition to any diversion of water from the Klamath Basin.

*Klamath County Chamber of Commerce  
Klamath Falls, Oregon*

GENTLEMEN: At your request I have considered at some length the report of the U. S. Engineers Office of San Francisco entitled "Appendix VI—Irrigation and Hydroelectric Power—Klamath River and Its Tributaries, Oregon and California," and desire to submit at this time my preliminary report on such consideration. Due to the short time allowed for this study, at a time when much other work was pressing, I have not been able to cover all details as carefully as I would like, and further have not been able to make any investigations in the field. All data used have been taken either from my files or from knowledge of the areas involved.

I have accepted from this report the figures on acreage for the acres included, the estimates on consumptive use of water, runoff, etc., as correct, as I believe them to be, and will base my report entirely upon the use and consideration of those figures. I shall refer to the above report as the "Engineers' Report."



I have not had the time to make any check on the estimates of the water available, evaporation losses, etc., and must leave them to a more comprehensive study of the whole problem.

It shall be the purpose of my report to show :

1. That areas other than those included by the Engineers' Report must depend on the Klamath Basin for their water supply.
2. That the average consumptive use of water in that report, while probably correct for the period shown, and the conditions existing at that time, can not be accepted for the future for the following reasons:
  - (a) The crops grown in the areas checked are changing to types which require more water.
  - (b) The average consumptive use shown can not be used in basing an estimate of the amount of water required due to long periods of subnormal precipitation during which time the maximum use must be used, at a time when minimum supply is available.
3. That the Klamath Area like many portions of the Great Basin, is subject to long continuous periods of subnormal precipitation over which it is impractical to carry supplies of stored water from periods of above-normal precipitation.

#### Possible Acreage

The Engineers' Report shows a possible area to be irrigated of 535,000 acres (Table XIV), but does not include such areas as Butte Valley and the "JF" and "D" Ranches in Siskiyou County; Weed Valley, Boles Meadows, Steele Swamp, Huffman Ranch and other areas in Modoc County; areas on Miller Creek in Klamath and Lake Counties and the lower areas of the Swan Lake Valley in Klamath County.

New and larger equipment for construction purposes, more efficient and cheaper pumping equipment and especially lower power changes which undoubtedly will be available in the future, will make possible the development of such areas as Butte Valley and Swan Lake. Water for Butte Valley would have to be raised about 150 feet, probably from Klamath River, in order to cover some 60,000 acres, and water for Swan Lake would only have to be raised about 70 feet from Upper Klamath Lake to cover not only the land included in the Engineers' Report but 7,000 acres in the lower areas of the lake, which were left out of that report.

A maximum lift of 66 feet and an average lift of 45 feet would irrigate 4,000 acres on the "JF" and "D" Ranches, about seven or eight miles southeast of Dorris, California, on the southwesterly side of Lower Klamath Lake and Willow Creek.

In Modoc County such areas as Weed Valley (600 acres), Huffman Ranch (1,600 acres), Boles Meadows (5,000 acres), and Steele Swamp (1,800 acres), have not been included. The original plans of the Bureau of Reclamation for the Klamath Project included some 8,000 acres of irrigable land lying easterly and southeasterly from Tule Lake, and in addition to the above there is in operation a diversion from the upper reaches of Fletcher Creek, a tributary of Willow Creek and Lost River, into Goose Lake Valley, with a right of 1,058 acre-feet for 320 acres. These specific instances, together with probably another 1,000 acres of



miscellaneous rights on Willow Creek, make a total of 18,300 acres in Modoc County.

On Miller Creek and Barnes Valley Creek above the Gerber Reservoir between the Horsefly Ranch and Barnes Valley and including both, there is in the neighborhood of 4,000 acres of irrigable land. This area extends from Klamath County into Lake County.

A total of all of the above tracts which were not included is 93,000 acres or approximately 17 per cent of the amount shown in the Engineers' Report, and if added to the amount shown in Table XIV would make a grand total of 628,000 acres requiring irrigation water from the Klamath Basin. Further investigations would undoubtedly disclose other areas.

In Table IX of the Engineers' Report the consumptive use of water is developed, showing an average of 1.59 acre-feet for the lands of the Klamath Project draining into the Tule Lake Sump, which checks closely with the Iakisch Report as prepared by the U. S. Bureau of Reclamation, for the seasons beginning with 1933-34 and ending with 1941-42. I do not take any exception to these figures for these seasons but I do take exception to the acceptance of the average of these figures, or even the 1.65 acre-feet of the Iakisch Report, as the basis of consumptive use to develop the water supply necessary for the irrigation of the Klamath Area, for the following reasons:

1. The crops grown in the Klamath Basin are becoming more intensive and producing more tonnage of crop each year. The more tonnage is developed the more water is required. This increase is shown by the four attached curves which show the increase of agricultural income of the Klamath Basin; acreage, yield per acre, and earloads of potatoes grown in the Klamath Basin; acres of small seed grown and tons produced in the Klamath Basin, and onion production in the Klamath Basin. All of these show a decided upswing, which will undoubtedly continue far into the future.

Good engineering requires that an allowance be made for such increase in intensive crops. It is not unreasonable to expect this increase in consumptive use to be at least 25 per cent and an allowance for that much of an increase in use should be allowed.

2. Consumptive use is the difference between the amount of water applied and the return flow, and varies from season to season, depending on precipitation, average temperatures, and similar factors. The consumptive use for any season plus the precipitation for that season give a figure that will not vary greatly from season to season. From this it is seen that dry seasons will show a higher consumptive use than will wet seasons.

In order to properly estimate the required supply for an irrigated area the consumptive use for dry periods must be balanced against water supply available during these periods. In this engineers' report the consumptive use has been developed for a period having precipitation averaging  $7\frac{1}{2}$  per cent higher than the average for the Klamath Records, and with a record net inflow into Upper Klamath Lake 28 per cent greater than for the period including the seasons 1928-29 to 1934-35, and precipitation at Klamath Falls 38 per cent higher than the same period.

To insure an adequate irrigation supply for the Klamath Basin during periods of drouth the average consumptive use for the seasons between 1928-29 and 1934-35, inclusive, a seven year period, should be taken as the average maximum. The precipitation, inflow to Upper Klamath Lake and consumptive use for the seasons between 1928-29 to 1941-42 are shown in Table 5.

During the period of 1928-29 to 1941-42 the precipitation averaged 10.21 inches or .85 feet at Klamath Falls which, if deducted from the average total of precipitation and consumptive use between 1933-34 and 1941-42 of 2.77 (Table 5), would give 1.92 feet. To this should be added 25 per cent or .48 feet to allow of a reasonable margin of safety to provide for more intensive cropping, or a total of 2.40 feet. This would give a proper consumptive use on which to base the requirements of this area.

#### Periods of Subnormal Precipitation

Any study of the requirements for irrigation water in the Klamath Basin and the supply of such water, must take into consideration the long periods of flow precipitation which occur. That these periods are severe and sustained is indicated by the drying up of deep lakes, bands of narrow tree rings, and other natural features.

The desiccation of the lakes in this area already indicates that it is subject to long periods of subnormal precipitation, and as an instance I desire to call your attention to both Goose Lake and Tule Lake.

Goose Lake, with an area of 186 square miles and a depth when full of 26 feet, lying astride the Oregon-California Line, has been dry twice in the memory of white people (about 100 years), and has overflowed four times. This drying up must have followed many years of low inflow, as with a gross evaporation loss of about 3.0 feet per annum, it would have taken at least 8 years of no rainfall and no inflow. When the lake was dry the last time, wagon tracks were found in the bed of the lake at what would be at a depth of 20 feet below normal water surface. These tracks had probably been made when the lake was dry in the early 1850's during the Oregon Emigration.

The fact that wagon tracks were found across the bed of Goose Lake is also substantiated by the finding of wagon tracks across about the deepest parts of Tule Lake. Tule Lake originally had an area of about 160 square miles and a depth of 24 feet. Mr. John Liskey of Klamath Falls states that in 1924, after the lake had been drained, he found old wagon tracks from a point near Hotel Rock on the West shore Southeasterly toward a point South of the Cinder Cone. These had probably been made by emigrant wagons in about 1850, which would indicate that Tule Lake had also dried up at about the same time as Goose Lake, in spite of the fact that under natural conditions Tule Lake received water from Klamath River during flood stages of that stream.

Antevs study of the tree rings in the Lakeview area in the "Rainfall and Tree Growth in the Great Basin" (American Geographical Society) clearly shows these periods, each of about 15 years duration.

A copy of his curves showing widths of tree rings, which in turn indicate relative precipitation, or water-supply for the trees studied, is attached hereto.

**Conclusions**

From Table XIV, Section "g," the total acreage to be irrigated is shown to be 535,000 with a consumptive use of 761,000 Acre-Feet, an allowance for system loss of 157,000 acre-feet, and a total ultimate requirement for irrigation water of 918,000 acre-feet, or 1.72 acre-feet per acre. After this total requirement has been met it is stated in Paragraph 59, that 392,000 acre-feet would be available for diversion. This gives a total of 1,310,000 acre-feet.

I have shown that at least 93,000 acres additional must receive their irrigation supply from the Klamath Basin or go dry, making a total of 628,000 acres, and that the consumptive use should be increased to 2.40 feet to allow for dry periods and more intensive cropping which can be expected. This would mean a 50 per cent increase of the allowance per acre, bringing the requirement to 2.58 acre-feet, average maximum consumptive use, or 1,620,000 acre-feet.

Yours very truly,

WILLIAM L. WALES  
Registered Professional  
Engineer for Oregon

Based on the facts and statements of this brief, the Klamath County Chamber of Commerce goes on record as opposed to any diversion of water from the Klamath Basin.

MALCOLM EPLEY, President  
FRANK JENKINS, Chairman, Land Use Committee  
CHARLES R. STARK, Executive Secretary

The following organizations, agencies and groups concur in the statements of this brief and accept it as a statement of their views and are in opposition to the proposals of the Corps of Army Engineers:

Randolph Collier, State Senator, Yreka, California; Chairman, Joint Committee on Rivers and Flood Control, created by Senate Concurrent Resolution No. 18 of the Legislature of the State of California.

Oliver J. Carter, State Senator, Redding, California; Member, Joint Committee on Rivers and Flood Control, created by Senate Concurrent Resolution No. 18 of the Legislature of the State of California.

S. L. Heisinger, Assemblyman, Fresno, California; Member, Joint Committee on Rivers and Flood Control, created by Senate Concurrent Resolution No. 18 of the Legislature of the State of California.

Paul Denny, Assemblyman, Etna, California; Member, Joint Committee on Rivers and Flood Control, created by Senate Concurrent Resolution No. 18 of the Legislature of the State of California.

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Malcolm Epley, President, Klamath County Chamber of Commerce; Managing Editor, Herald and News, Klamath Falls, Oregon.

Charles R. Stark, Executive Secretary, Klamath County Chamber of Commerce, Klamath Falls, Oregon.

Frank Jenkins, Chairman, Land Use Committee; Publisher, Herald and News, Klamath Falls, Oregon.

William Ganong, Director and Attorney, Klamath County Chamber of



- Commerce; Attorney for Klamath Irrigation District, Klamath Falls, Oregon.
- Henry E. Perkins, City Attorney, Klamath Falls, Oregon.
- J. C. Boyle, Vice President and General Manager, the California-Oregon Power Company, Medford, Oregon.
- R. C. Groesbeck, Attorney-at-Law, the California-Oregon Power Company, Klamath Falls, Oregon.
- O. G. Steele, District Manager, the California-Oregon Power Company, Yreka, California.
- Charles E. Stricklin, State Engineer of Oregon, Salem, Oregon.
- E. A. Thomas, City Engineer, Klamath Falls, Oregon.
- A. C. Taft, Chief Bureau of Fish Conservation, California Division of Fish and Game, San Francisco, California.
- C. Brazil, District Manager, Bonneville Power Administration, Eugene, Oregon.
- C. A. Gustafson, District Manager, Bonneville Power Administration, Yreka, California.
- T. R. Littlefield, Senior Civil Engineer, United States Forest Service, San Francisco, California.
- W. A. Froggatt, Engineer, Federal Power Commission, San Francisco, California.
- C. William Burningham, Engineer, United States Bureau of Reclamation, Redding, California.
- William L. Wales, Registered Professional Engineer for Oregon, Klamath Falls, Oregon.
- Robert L. Wing, Associate Hydraulic Engineer, State of California, Division of Water Resources, Sacramento, California.
- E. C. Stephens, Superintendent, Bureau of Reclamation, Klamath Falls, Oregon.
- Dick Henzel, Director, Land Use Committee of Klamath County Chamber of Commerce, Klamath Falls, Oregon.
- Leo L. Laythe, Regional Director, Fish and Wildlife Service, Portland, Oregon.
- Paul T. Kreager, Regional Refuge Supervisor, Fish and Wildlife Service, Portland, Oregon.
- Stanley G. Jewett, Flyway Biologist, Fish and Wildlife Service, Portland, Oregon.
- Henry R. Stevens, Chief, Power Section, Bonneville Power Administration, Portland, Oregon.
- George McDonald, Assistant Supervisor of Hatcheries, California Division of Fish and Game, Mt. Shasta, California.
- Phyllis Beardsley, Public Relations, Klamath Basin Co-op, Tulelake, California.
- S. C. Paxton, District Manager, Sacramento Valley District, California State Chamber of Commerce, Sacramento, California.
- S. S. Ritchey, Acting District Manager, the California-Oregon Power Company, Klamath Falls, Oregon.
- M. E. Barron, Forest Supervisor, United States Forest Service, Alturas, California.
- G. B. Dorris, Chairman, Modoc County Committee of Natural Resources, Alturas, California.



J. L. Jacobs, Farmer, Malin, Oregon.

Don C. Fisher, Custodian, Lava Beds National Monument, National Park Service, Tulelake, California.

Ed Ostendorf, Mayor, Klamath Falls, Oregon.

Edwin A. Davis, Editor, Tulelake Reporter, Tulelake, California.

William F. Jinnetti, Rancher, Merrill, Oregon.

R. H. Anderson, Representative, Merrill Grange, 717 Klamath Falls, Oregon.

G. H. Carleton, Farmer, Merrill, Oregon.

Francis Flowers, Committeeman, Midland Grange 781, Midland, Oregon.

August Andrien, Committeeman, Midland Grange 781, Midland, Oregon.

Jack Liskey, Farmer, Merrill, Oregon.

T. V. Owens, Director, Klamath County Chamber of Commerce, Klamath Falls, Oregon.

H. E. Hamaker, Secretary-Treasurer, National Farm Loan Association, Klamath Falls, Oregon.

J. R. Ratliff, Farmer, Malin, Oregon.

G. E. Warner, Vice President, Yreka 20-30 Club, Montague, California.

Charles E. Johnson, District Attorney, Yreka-Siskiyou County, Yreka, California.

Fred D. Fletcher, Attorney-at-Law, Klamath Drainage District and other Districts, Klamath Falls, Oregon.

L. A. Ehret, Yreka Knights of Pythias Lodge, Yreka, California.

Quinter Harris, Greenhorn Grange, Yreka, California.

Chas. R. Wiese, Chairman, Community Service, Tulelake Rotary, Tulelake, California.

John M. Vaughan, Klamath Reservation, Chiloquin, Oregon.

Jesse L. Kirk, Klamath Indians, Klamath Agency, Oregon.

Al. W. Moore, Biologist, Fish and Wildlife Service, Hillsboro, Oregon.

Ernest L. Kolbe, Forest Engineer, Western Pine Association, Klamath Falls, Oregon.

I. J. Dixon, Enterprise Irrigation District, Klamath Falls, Oregon.

S. P. Dehlinger, Director, Klamath Irrigation District, Klamath Falls, Oregon.

S. F. Terry, Adjutant, Post 164, American Legion, Tulelake, California.

L. Gienger, Rancher, Chiloquin, Oregon.

John Coulson, Rancher, Tulelake Growers, Tulelake, California.

F. E. McMurphy, Rancher, Tulelake Growers, Tulelake, California.

G. Y. Hagglund, Merrill Service Club, Merrill, Oregon.

M. G. King, Business Agent, International Woodworkers of America, Klamath Falls, Oregon.

L. C. Kirby, Farmer, Tulelake, California.

Sam E. Enman, Farmer, Klamath Falls, Oregon.

A. J. Connolly, Saddle Maker, Klamath Falls, Oregon.

S. E. Kirk, Elected Delegate, Klamath Agency, Oregon.

Will Blackman, Farmer, Klamath Falls, Oregon.

Jay A. Faerelo, Farmer, Klamath Falls, Oregon.

O. D. Matthews, American Legion, Klamath Falls, Oregon.

R. E. Thomas, Director, Langell Valley Irrigation District, Bonanza, Oregon.

- Leland Pettegrew, Secretary and Manager, Langell Valley Irrigation District, Bonanza, Oregon.
- J. E. Johnson, Soil Conservationist, Soil Conservation Service, Klamath Falls, Oregon.
- R. J. Brady, Civil Engineer, Soil Conservation Service, Klamath Falls, Oregon.
- J. A. Cannon, Member, Modoc Committee on Natural Resources, Alturas, California.
- Chas. H. Hackett, Drainage and Irrigation, Klamath Falls, Oregon.
- C. J. Main, President, Tulalake Growers, Tulalake, California.
- Wally M. Hectos, County Engineer, Klamath Falls, Oregon.
- Frank Z. Howard, County Surveyor, Klamath Falls, Oregon.
- John Marshall, Farmer, Pomona Grange, Klamath Falls, Oregon.
- Chas. E. Stevenson, Farmer, Lost River Grange, Klamath Falls, Oregon.
- A. E. Gross, Superintendent, Express Station, Klamath Falls, Oregon.
- Frank W. Parker, Road and Irrigation Engineer, United States Indian Service, Klamath Agency, Oregon.
- Isabelle Brifner, School Supervisor, Klamath Falls, Oregon.
- Fred H. Heilbronner, Vice President Klamath County Chamber of Commerce, Klamath Falls, Oregon.
- John W. Sarganson, Forest Ranger, Rogue River National Forest, Klamath Falls, Oregon.
- Ralph R. Leavees, Farmer, Siskiyou County Farm Bureau, Montague, California.
- Ernest L. Betts, Farmer, Shasta Valley Farm Center, Montague, California.
- A. M. Thomas, Superintendent, Enterprise Irrigation District, Klamath Falls, Oregon.
- James M. Allen, Chairman, Northern California Natural Resources Protection Committee, Yreka, California.
- Hugh Bronson, Presbyterian Minister, Tulalake Grange, Tulalake, California.
- H. T. Street, Farmer, Tulalake Grange, Tulalake, California.
- Earl W. Mack, Farmer, Henley Grange, Klamath Falls, Oregon.
- Marvin Thomas, Farmer and Post Commander American Legion, Tulalake Post No. 164, Tulalake, California.
- Thos. H. McCarthy, Senior Engineer, Bureau of Indian Affairs, San Francisco, California.
- H. B. Ashby, Farmer, Klamath Falls, Oregon.
- Dr. P. R. Needham, Director of Fisheries, Oregon Game Commission, Portland, Oregon.
- Kenneth G. Denman, Commissioner, Oregon Game Commission, Medford, Oregon.
- Theodore R. Conn, Commissioner, Oregon State Game Commission, Lakeview, Oregon.
- C. O. Wamstod, Office Engineer, United States Bureau of Reclamation, Klamath Falls, Oregon.
- H. F. Tolley, Field Engineer, United States Bureau of Reclamation, Klamath Falls, Oregon.
- P. G. Courtright, Superintendent, Klamath Agency, Oregon.
- M. M. Stastmy, Secretary, Malin Irrigation District, Malin, Oregon.

Kenneth McLeod, Jr., Secretary, Klamath-Modoc Chapter of Izaac Walton League of America, Klamath Falls, Oregon.  
H. E. Mitchell, Farmer, Tulelake, California.  
H. R. Jackman, Farmer, Malin, Oregon.  
Charles A. Henderson, County Agricultural Agent, Klamath Falls, Oregon.

City of Klamath Falls.  
Klamath County Court.  
Merrill Grange.  
Lost River Grange.  
Tulelake Grange.  
Tulelake Post No. 164.  
Klamath Post.  
City of Chiloquin, Oregon.  
Klamath Sportsman's Association.  
International Woodworkers of America.  
Enterprise Irrigation District.  
Lee H. Hatcher and F. F. McCready, Property Owners, Chiloquin (area to be flooded).  
W. H. Whitecamp, Tulelake.  
Klamath Indian Association.

TABLE NO. 1  
Agricultural Production, Klamath Basin

Year	Amount	Year	Amount
1923	\$2,837,500	1933	\$4,822,250
1924	3,980,000	1934	6,900,000
1925	--	1935	5,310,000
1926	5,305,000	1936	10,889,000
1927	--	1937	7,234,400
1928	--	1938	8,004,916
1929	5,860,000	1939	8,882,028
1930	5,722,250	1940	8,864,646
1931	4,231,215	1941	13,698,900
1932	3,466,250	1942	16,364,537
		1943	22,773,300
		1944	24,816,000

TABLE NO. 2  
Potatoes, Klamath Basin

Year	Acres	Average yield per acre	Carloads	Year	Acres	Average yield per acre	Carloads
1916	230			1933	9,339	298.9 bu.	3,113
1919	224			1934	13,920	281.3 bu.	5,072
1922	487			1935	14,635		4,172
1923	496		10	1936	15,284	312.5 bu.	6,750
1924	550		27	1937	20,559	278.5 bu.	7,150
1925	1,142	101.4 bu. (USDA)	135	1938	20,038	343.5 bu.	8,776
1926	2,031		425	1939	18,890	312 bu.	7,653
1927	5,804		825	1940	19,500	420 bu.	*10,453
1928	6,176		1,100	1941	17,215	360 bu.	7,933
1929	4,215		1,250	1942	16,510	357 bu.	7,396
1930	5,742	211.6 bu. (USDA)	2,020	1943	24,300	322 bu.	10,388
1931	10,037	223.4 bu.	2,100				
1932	8,406		2,065				

\* 608 cars diverted for livestock feed, not shipped, but included in this number (360 sacks, 100 pounds each, to the carload).  
Above records compiled from records of United States Bureau of Reclamation and county agricultural agent's office.

TABLE NO. 3

## Small Seed Production, Klamath Basin

<i>Year</i>	<i>Acres</i>	<i>Pounds produced</i>	<i>Year</i>	<i>Acres</i>	<i>Pounds produced</i>
1929-----	320	65,000	1937-----	3,180	773,500
1930-----	360	90,000	1938-----	5,520	1,788,244
1931-----	400	86,000	1939-----	9,803	3,113,200
1932-----	560	137,000	1940-----	12,220	3,143,500
1933-----	450	121,000	1941-----	15,520	4,669,320
1934-----	1,250	520,000	1942-----	13,115	4,911,000
1935-----	1,391	400,100	1943-----	13,300	5,250,000
1936-----	2,471	662,300	1944-----	11,800	5,060,000

TABLE NO. 4

## Onion Production, Klamath Basin

<i>Year</i>	<i>Acreage</i>	<i>Year</i>	<i>Acreage</i>
1936-----	75	1941-----	100
1937-----	90	1942-----	200
1938-----	100	1943-----	800
1939-----	90	1944-----	1,000
1940-----	90		

TABLE NO. 5

## Precipitation, Consumptive Use and Inflow to Upper Klamath Lake

<i>Season</i>	<i>Precipitation Inches</i>	<i>Consumptive Use Feet</i>	<i>Total of Precipitation Consumptive Use Feet</i>	<i>Net Inflow into Upper Klamath Lake, Acre-feet</i>
1928-29-----	8.06			854,100
1929-30-----	12.27			818,900
1930-31-----	8.04			634,800
1931-32-----	11.44			793,500
1932-33-----	9.65			769,400
1933-34-----	8.95	2.11	2.86	676,600
1934-35-----	13.07	1.62	2.71	875,100
1935-36-----	16.09	1.31	2.65	1,000,200
1936-37-----	12.12	1.74	2.75	851,200
1937-38-----	17.72	1.23	2.71	1,471,800
1938-39-----	9.02	2.15	2.90	873,600
1939-40-----	19.31	1.49	3.10	1,109,500
1940-41-----	17.60	1.26	2.73	950,600
1941-42-----	13.20	1.40	2.50	1,093,600
Average 1928-29 to 1934-35-----	10.21			775,000
Average 1933-34 to 1941-42-----	14.12	1.59	2.77	990,000

Precipitation and net inflow into Upper Klamath Lake are from records of U. S. Bureau of Reclamation.



## APPENDIX XVI

## Guest Editorial

Herald and News, Klamath Falls, Oregon, February 17, 1945

A letter by R. S. Calland, Assistant Regional Director,  
U. S. Bureau of Reclamation

Your article in the February 5, 1945, issue of the Herald and News regarding the proposed Klamath River Diversion has been called to my attention. Since reports concerning the activities of different Federal agencies appear to present a confusing picture, I would like to clarify the position of the Bureau of Reclamation in this matter for the benefit of the local people who are so vitally interested.

As stated by me in Sacramento recently, the Bureau of Reclamation has no plan and is not making an investigation to develop a plan to divert Upper Klamath River water to another watershed. Although as you point out in your article, I did not "eliminate the possibility for all time," our studies show that the need for diversion of water from the Upper Klamath River to the Central Valley of California is extremely remote; especially if the Trinity River Diversion, as outlined in the California State water plan, is constructed.

Irrespective of the needs of the Central Valley of California the Bureau of Reclamation would not recommend the diversion of any except surplus waters from the Klamath River Basin. Surplus waters are defined as those above and beyond the amounts needed for present and potential beneficial uses of any character in the Klamath River Watershed. For example, no water needed for the full development of all the irrigable lands would be considered as surplus for diversion nor would water needed for municipal and industrial purposes or for the maintenance of fish and wildlife be regarded as surplus.

\* \* \* \* \*

As you know the Bureau of Reclamation has a substantial investment as well as a vital interest, in the development of the Klamath River Basin. The Klamath Project, one of the earliest undertaken by the bureau, has been progressively expanded in step with the need for additional irrigated land around Klamath Falls. Several years ago the bureau investigated a proposal to transport Upper Klamath River water to the Shasta Valley in the Klamath River Watershed for irrigation purposes but at that time this was found to be infeasible. Conditions change, and it is entirely possible that such a plan will be found feasible in future under different economic conditions.

Statements to the effect that the bureau is cooperating with the Army engineers in the latter's investigation of the proposal to divert Upper Klamath River water into the Sacramento River Watershed require explanation. During the many years of its activity around Klamath Falls the bureau has collected a vast amount of data and factual information regarding the Klamath River and the natural resources within its watershed. Some of these data were needed by the Army engineers in making their investigation and were supplied by the bureau. Had the Army engineers been required to secure their own data, duplication of effort and needless waste of public funds would have resulted. We have cooperated willingly in this manner but any

inference that the bureau is participating in, or making a joint study with the Army engineers of the proposed diversion, is misleading. We are interested in this proposal because of its possible effects on bureau developments, present and potential, and expect to participate in the hearings as appropriate to bring the facts to light.

The Bureau of Reclamation is a conservation agency interested primarily in natural resource development of the 17 Western States, while the primary interest of the Army engineers is in flood control and the improvement of rivers and harbors. The bureau holds as one of its most valued assets the respect and confidence of the people in the areas affected by its operations, including the Klamath River area. The bureau will continue to work closely with the people in the solution of their problems relating to maximum development and beneficial use of the natural resources.

Very truly yours,

R. S. CALLAND  
Assistant Regional Director

#### APPENDIX XVII

Brief Submitted by Hon. James M. Allen, Chairman, Northern California  
Natural Resources Protective Committee

#### *To the United States Army Engineers:*

GENTLEMEN: The undersigned are members of and represent the Northern California Natural Resources Protection Committee, which is composed of representatives from various organizations of Siskiyou County, and the membership of these organizations comprise the greater portion of the population of Siskiyou County within the Klamath Basin.

We appear here today in opposition to the tentative proposal to divert water from the Klamath Basin to the Sacramento River Basin, and respectfully submit that we believe that a comprehensive survey of the Klamath River System, and of the most beneficial use of the waters of this river system, in order to be fair, impartial and complete should not be limited to one objective, as seems to be your purpose now, but the scope of your investigation should be broadened and it should be diligently pursued by you, with facilities you have at your disposal, to cover every ramification of this subject which is of so much importance to us, who inhabit this basin, and to all that will come after us, and wish to enjoy this river system, which we believe to be our greatest natural resource. You should, before you touch a drop of this water to take to another watershed, make a careful, complete and independent survey and investigation of all present and prospective uses of this water in this basin, and of all the present benefits derived therefrom, and of all the potential and possible benefits that might accrue to us, and those that come after us, from the use of these waters. This is our natural resource and we feel that we are entitled to every priority of consideration. The burden of proof is not upon us to show our damage, but the burden of proof is upon those who wish to take it to show that we will not be damaged, or that their needs are so urgent and benefits so great that they far exceed

our damage. That is, in considering this matter, all doubts and uncertainties should be resolved in our favor.

The discussion of the benefits of this river to us, naturally falls under different heads or topics of consideration, each of which we will discuss separately:

#### Recreational Value

The Klamath River Basin is one of the greatest recreational areas in the Western States. Combined with the gigantic forest of the Redwood Empire, and natural beauties of Crater Lake, and majestic Mount Shasta, this river makes this area a Wonderland and a playground known all over the world. This beautiful living stream, the Klamath River, winding its way to the sea through these forest covered mountains is a component part of this wonderland. Words can hardly express the beauties of this great river, the poet Lord Byron, speaking of the Rhine more nearly expresses the thought.

"The river nobly foams and flows,  
The charm of this enchanted ground,  
And all its thousand turns disclose  
Some fresher beauty varying round;  
The haughtiest breast its wish might bound  
Through life to dwell delighted here;  
Nor could on earth a spot be found  
To nature and to me so dear."

During seasonal periods, myriads of salmon and steelhead pass up this river to the spawning grounds at its headwaters, making it the greatest sport fishing stream in the West. It is estimated that in normal times well over 100,000 people come to the Klamath River to fish each season. These spend at least \$10 each, if not much more, in this area, and here we have \$1,000,000 flowing in. This means bread and butter to a lot of people in this basin. We have the commercial salmon take outside, but near the mouth of the river which would not exist, except for this river and its spawning grounds. It is difficult to make a segregation of value of this industry, but it is estimated that about 2,000 persons are employed in it with equipment valued at \$5,000,000 and with about \$250,000 annual income. This does not include the vast quantities of fish taken by the sport fisherman which have a great food value. These spawning grounds are of inestimable value and must be preserved at all costs. But the greatest value of all of the water of this river cannot be valued in dollars and cents. The value to man regenerated by a vacation in this wonderland. Can a dollar and cents value be put on Yellowstone, or on Yosemite, or Glacier Park? Neither can it be put on the Klamath area as a land of recreation. Would anyone think of destroying Yellowstone, or Yosemite by water diversion? Why the Klamath? The State of California spent several hundred thousand dollars in purchasing the canneries at the mouth of the Klamath River, and equipment of the fishermen engaged in fishing inside the river, to preserve this stream as a sport fishing stream.

The people of the State of California fully realize the importance of this area as a recreational area, and in 1924 by a special initiative meas-



ure, adopted by an overwhelming majority of over 200,000, voted to create a special Fish and Game District of this area from Shasta River to the sea, and prohibited dams and particularly power dams in this river. Had it not been for this measure we believe that the great power possibilities of this Klamath River would have been utilized long before this. The imminent danger was apparent as one big eastern company, the Electro Metals Company, had spent several hundred thousand dollars already in power development and contemplated much more. It contemplated big industrial development of some of our great natural metal resources, but its hand was stayed and the industrial progress in this area was stopped dead still. The people of the State of California dug down in their pockets willingly and paid this power company several hundred thousand dollars for its rights and improvements. Over 600,000 kwh. of electricity was locked up by this measure, but we of this region took it cheerfully. We realized we had a Sportsman's paradise, that all the people in the State and in the Nation had an interest in this great recreational area. But it seems unfair to us now, for anyone to take this water away from us on the ground we have not used it, when it would have been all used and this proposed diversion never dreamed of, if we had been left alone. We believe that the recreational values of this region far outweigh this 600,000 kwh. of electricity, and we venture to say that it is ten times as much as can be developed by this diversion now. This proposal would destroy our recreational values and also rob us of our potential power possibilities and all they might mean to us. We heard Dr. Taft of the State Fish and Game Commission say the salmon and steelhead fishing would be done for, in the Klamath, if this diversion went through, and if you take out water, of course, our power potentialities are also gone. We say that the value of this water to this area for recreational purposes alone should forever check this contemplated diversion. We believe the recreational values are the first and foremost of consideration in this matter, and all else is subservient to them.

#### Potential Power

As we understand it, one of the objectives for spending this upward of \$100,000,000 on this proposed project is the use of the water to develop hydroelectric energy. If so, it would seem to be much cheaper to build power dams in the Klamath River between Shasta River and Keno, and utilize the fall of over 2,000 feet between these two points to generate power. Frank E. Bonner, District Engineer for the United States Forest Service, made a report for the Federal Power Commission in 1928 and found that approximately 274,750 kwh. of electricity could be developed between Keno and Shasta River, not including the 47,000 kwh. already developed at Copco and about 36,000 kwh. already developed above Keno. This would not interfere with the 1924 initiative measure as there would be no power dams below Brush Creek, and by putting in a regulating dam at or near the mouth of Shasta River would perhaps benefit the fishing facilities in the stream. We believe such a utilization of this flow would develop much more electrical energy than could be expected by this proposed diversion, and at much less expense, and would leave the water in its own proper watershed with all its attendant



benefits. Why not investigate this before any attempted diversion is made?

#### Navigation

It might interest you to know that the Klamath River, by Section 103 of the Harbors and Navigation Code, has been declared to be a navigable stream from its mouth in Del Norte County to its confluence with the Klamath River. Whether or not it is in fact a navigable stream we realize, of course, is another question. It has been repeatedly held that a river capable of floating logs is a navigable stream (*No-Bo-Shone Assn. vs. Hogarth*, 7 Fed. Supp. 885; in re *Southern Wisconsin Power Co.*, 122 NW 801; *Stevens Point Boom Co. vs. Reily*, 44 Wis. 245; *State vs. Wright*, 208 SW 149; *Collins vs. Gerhardt*, 211 NW 115), and numerous other State and Federal decisions support this doctrine. The lower reaches of this river are now being used extensively for floating logs to mills at or near the City of Klamath. No doubt, these operations will be extended. One of the finest bodies of virgin timber in the West lies in the lower Klamath Basin. The value of this timber and its marketability will be greatly decreased if this cheap means of water transportation is taken away. The potential values of this river for this purpose are difficult to estimate. How far up the river these operations will extend in the future, no one can tell. This vast timber growth is being protected for future generations, and no doubt, future generations will utilize it. Except for a few reefs and bars, the Klamath, no doubt, is navigable, in fact, far inland, and these reefs and bars are no unsurmountable barriers to navigation. Should we subtract these waters from this basin and perhaps lock up these great timber resources, and decrease their marketability?

#### Mineral Resources

It is a known fact that cheap hydroelectric power attracts industries near to the source of that power for reduction of minerals and chemicals. The great chemical plants and other reduction works below Niagara Falls in Canada and the United States are potent evidence of this fact. It is almost a universal rule that the development of these industries follows the power, especially where the supply of raw materials for these industries is close at hand. The Electro Metals Company, which was put out of business by the initiative measure, planned to develop some of these resources of which they had made a survey, which would, in their opinion, justify a large investment. Edward Morris, Mining and Civil Engineer for Alta California made a report in 1944 and in regard to Siskiyou County's mineral resources made this statement: "The wide expanses of this great subdivision of the State of California can only be properly appreciated by contact with its vast natural resources which to date have been partially explored in a limited way \* \* \*. Little is known of the potential resources of mineral wealth in this region." We do know, however, that we have large deposits of copper, iron, manganese, quartz, crystals, tin, tungsten, asbestos, chrome, mercury, graphite, nickel, zinc, arsenic, mica, bauxite, marble, cobalt and many other deposits of minerals and chemicals that will be needed by this nation in time to come, and the utilization of the waters of the

Klamath for their development and reduction will be the cheapest and most feasible manner of their exploitation. To take these waters away reduces the market value of these great deposits. As evidence of some of these deposits we refer you to Mr. Morris' report, and also to a report made by the Industrial West Foundation, Inc., in 1944.

#### Irrigation

The possibilities of the use of the waters of the Klamath River for irrigation naturally divides into two heads. The use of the waters on the arable land along the banks of the Klamath within its own slopes, from Keno to the Sea. Some of these lands are now being irrigated by use of these waters, but we must remember that this region is sparsely settled, as yet, and mining has been the chief concern of the settlers along its banks. There has been no intensive study of these irrigation uses, but in time to come, and when this empire of the West settles up, and it will inevitably, the large acreages around Hot Springs, Hornbrook, Jenny Creek, Seiad, Walker, Oak Bar, Beaver Creek, Horse Creek, Grider Creek, Happy Camp, Dillon and elsewhere down the river will be put in production if they have the water. The waters in this river have an equalizing influence on the climate, and the soil is fertile, and frosts are rare in most of this area as it is protected by the mountains and the air moderated by the water in the river. A brief appraisal of the possibilities of this area as a fruit growing region is made in the 1911 Blue Book of California at 827. Quoting, "Apple orchards thrive in the mountain and valley regions. The fruit is crisp, sweet, juicy and large in size and beautiful in color. Some apples average nine ounces each, and trees bear as much as 2,000 pounds and the most of luscious fruit." "It has been demonstrated that apricots can be grown profitably in the mountain regions along the Klamath River, the trees bringing good crops of fruit \* \* \* all varieties of plums and prunes thrive." Of cherries, Professor Wickson, an agriculturalist and horticulturalist says: "In the mountain valleys cherries thrive on suitable soils; exposures for the cherry are chosen both with reference to protection from frost injury and to early ripening of fruit; these conditions are met here. The trees bear heavy crops of large, glossy fruit that is firm and sweet and of delicious flavor." We might add to this that conditions are ideal for producing pears, peaches, walnuts, almonds, pecans and nuts of almost all kinds; also fine strawberries and other berries of all varieties. The principal obstacle that has held back the planting of these crops in this area is the lack of adequate transportation facilities. We firmly believe that a good highway will some day be built down the Klamath River to the coast, and then, no doubt, this region will come to its own as one of the great horticultural regions of the West. Canneries will spring up, and this region will provide homes and sustenance for thousands of people. Do not destroy these future possibilities by taking this water away.

The other possible use of these waters is by diversion and use in the tributary valleys. Large areas of fine, productive agricultural land, with water, lies in Shasta Valley. For more than 35 years men of foresight have seen the possibility of diverting waters from the Klamath to Shasta Valley for irrigation and the development of electric power.

County Surveyor Davidson made the first survey some time in 1890, however, the data obtained from this survey is lost and is not available. Then there is an old U. S. R. S. made sometime prior to 1911, but these surveys, we believe, contemplated a diversion far below Klamath Hot Springs on the Klamath River. Then in 1911 an engineer by the name of J. E. Luddy made a survey which proposed taking the water out of the Klamath River at an elevation of about 2,900 feet, six miles above Hot Springs. The estimated cost of the main canal under this plan, which would have been 20 miles long, was \$743,000. It proposed a syphon one mile in length, and tunnel one mile in length and three short tunnels and it was estimated that 60,000 or more acres could be irrigated under this plan.

In 1905 T. H. Humphreys made a reconnaissance survey of a project to irrigate Shasta Valley from the Klamath River. The proposed diversion was 16 miles below Keno and it was estimated it could be applied to irrigate 58,100 acres. The elevation of the diversion being about 3,000 feet; the main canal 20 miles long; a series of long tunnels and cement lined canals and two siphons. The estimated cost of this was \$3,784,238.00 or \$65.13 per acre. We might add that the proposed canal would carry 656 c.s.f. of water.

In 1921 an irrigation district was formed in Shasta Valley called Klamath-Shasta Valley Irrigation District. This district included 287,000 acres within its boundaries. State Chief Assistant Engineer made a survey of the project at that time and reported that the project was feasible. Prior to this time Messrs. Symmons and Means in 1912 made a survey of a diversion from the Klamath River near Keno at an elevation of 4,081 feet, and a canal 42 miles long coming into Shasta Valley at an elevation of 3,940 feet. Here it was proposed to drop the water 800 feet for power. No survey of the valley was made at that time by Symmes and Means, but it was estimated that 75,000 acres could be irrigated in the valley and the estimated cost was \$4,000,000.

The State Engineer commenced from the Symmes and Means survey. He estimated the Summer flow in the Klamath River to be 350 c.a.f. It states that by the California-Oregon Power Company's contract with the Reclamation Service there will be about 1,600,000 acre-feet of regulated flow. The California-Oregon Power Company required about 2,500 second-feet regulated flow over its dam at Keno. It proposed to leave enough water go down to take care of the Copco plant, but carry it around in the canal and use the drop of this plant to generate power. It was estimated a flow of 1,400 second-feet going down the river to Copco would be three times the needs of the power company, and the remainder of 1,100 cubic second-feet be carried into the valley for irrigation, and it was estimated that there would be at least 118,000 acres of irrigable land in the valley. It was estimated that this project would develop at least 37,000 kwh. of hydroelectricity or 324,120,000 kwh. annually, and this would have a commercial value of perhaps .001 a kwh. at the powerhouse, or \$324,120,000 annual income from electricity alone. Bulletin No. 26 page 204, Table 58 of State Water Plan places the value of electricity if Kennet Dam at the switchboard at .002700. That is more than twice as much as we have estimated, but if built this annual return would go a long way toward financing this project.



If there are this many acres irrigable and we believe we can prove definitely there is, it will provide homes for 2,000 families. This is a project our government should be interested in in view of the needs for our returning soldiers. Here also, is the town of Yreka, seriously in need of water, and it would be under this project. Water in this town would be worth many thousand dollars. The ditch could go around the valley on approximately the 3,000 foot level and we have a map of the acreage under that level and we submit that we who live here know that the acreage is here. All we want is a fair investigation.

We do not wished to be brushed off, with the Gault and Towle Report of 1923. We believe that we can give you something of the background of that report, made under discredited Secretary of the Interior Albert Fall. We know that powerful adverse interests, we refer to the power interests on the Klamath River, fought this project at every turn, and we believe, if given time and money, we can show it fallacious in many particulars. We note that you have seen fit to make a view of the report and findings made by Thomas M. Robins, Lt. Col., Eng. Corps., in document 181, Seventy-third Congress, Second Session, where he said at page 6, "Diversion of the Upper Klamath River into Pit River *does not* appear advisable in view of the needs and possibility that utilization of the head of the lower river may some day become feasible." This statement was made even after the Gault and Towle report, but this statement does not appear to have stopped you from making this review. We say the Gault and Towle survey should not only be reviewed, but cast aside entirely, and an independent and new survey made before any attempted diversion is made. Why do we say this? We will tell you why. Look at this map showing over 100,000 acres under the 3,000 foot level in Shasta Valley. Gault and Towle found only 65,000 acres. A tract approximately 10 miles square. Look at a tract 10 miles square and compare it with the area under 3,000 feet. Symmes and Means estimated 75,000 acres and took in none of the west side. Humphreys found nearly 60,000 acres and was at a much lower level and did not take in the west side. The State engineer estimated 118,000 acres. Could it be possible that these engineers missed it by nearly one-half? Find out from the farmers in this valley who know their land and what can be irrigated under the 3,000 foot level and what it will raise with water. They know this, and it would not cost much for you to get out such a questionnaire and we believe you will find that it is upwards of 150,000 acres. The cost that Gault and Towle estimated was about \$30,000,000. Symmes and Means said \$4,000,000.00. They must have been competent engineers to miss the cost by 26,000,000. We can only make comparisons to show the fallacy of this report. The mammoth dam at Kennett, perhaps 20 times larger than this project was estimated at \$117,000,000. This Pit River Diversion has an open canal of approximately 18 miles, a tunnel of 36 miles; a side-hill canal of 14 miles and this construction would be through the worst possible country to construct a diversion works because this is a lava flow, loose and pourous and it is known that there are many subterranean caves because Captain Jack and his Indians lived in these caves and stood off the United States Army. It is almost certain that every foot of



this canal and tunnel would have to be of concrete and the estimate set forth in Document 141, page 40 was only \$38,000,000 for 800 second-foot canal. A comparison of these figures should show that Gault and Towle's estimate is incorrect or that there other estimates are far from being correct. Is the Gault and Towle survey made under the direction of a man and an administration proven to be corrupt, to be an everlasting barrier to a further investigation of this matter? Engineer Henshaw and many others very close to this matter, by Letter, intimated even after the Gault and Towle report, that some day this project may be feasible. We ask you not to let this Gault and Towle report stand in our way.

#### **East Side Shasta Valley Diversion**

If a diversion must be made even over all these possible injuries to our future, why from the headwaters to the Pit, with a 40-mile tunnel and a canal through a lava flow that would perhaps have to have every foot cemented; costing over \$100,000,000 and then dumped into the Pit where a private power company, the P. G. & E. would be the principal beneficiary of this vast expenditure of public money? This augmented flow must pass through its turbines at Pit No. 1 and Pit No. 3 and it could and no doubt, would be glad to use it, when as an alternative plan, a canal could be taken out at Keno; brought into this valley; dropped to generate power, and carried along the east side of this valley and used with little effort to irrigate many thousand acres, and then the winter flow and flood waters could be stored behind Shasta Dam. Why not investigate this project and its costs and benefits? Why give P. G. & E. all this gravy at the taxpayers' expense?

Before passing on, we believe that irrigation of Shasta Valley as planned will not injure the fishing features of the Klamath, but will greatly inure to their benefit because the water is not taken out of the watershed, and a greater portion, except that which is lost by transpiration and evaporation, would find its way back into the stream and tend to equalize the flow.

#### **Sacramento Basin Has an Ample Supply of Water and Potential Power**

Before any step is taken to rob this watershed of any of its water, the entire potentialities of the Sacramento Basin should be exhausted, and the urgent needs for this diversion should outweigh any other consideration.

We have it from the most competent engineers made after an examination of records kept for over a period of 40 years, from 1889 to 1929, and after a complete and careful survey of the entire situation, that the Sacramento Basin has an ample supply of water for all its needs. We refer to page 62 of Bulletin 26, the State Water Plan, where the following finding is made.

"With all of the major units of the State Water Plan in the Sacramento River Basin, including the Trinity River Diversion, in operation and with stream flows equivalent in character and amount to those of the dry period 1918-1929, there would be average surpluses from the Sacramento River Basin, over and above the full requirements of the 3,874,000 acres of net irrigable land in the basin excluding the delta area, varying from 5,800,000 acre-feet in the driest year to 15,000,000

acre-feet in the year of greatest run-off. These surpluses would be sufficient to provide the water required for the ultimate irrigation of the entire Sacramento-San Joaquin Delta, and the water required for salinity control and still leave surpluses varying from 2,000,000 to 11,400,000 acre-feet per year for exporting to the San Joaquin Valley and the San Francisco Bay Basin."

What better evidence could there be that this water is not needed in the Sacramento Valley for irrigation or salinity control?

We have the same proof with regard to the surplus power potentialities in this basin. It is estimated that nearly forty million kwh. of hydroelectric energy could be developed annually in this area; enough to supply the needs until the population of the State reached 30,000,000, which would be near the saturation point and perhaps not attained for the next 100 years. This is according to the report of Frank E. Bonner to the Federal Power Commission. It is true, that the greater part of this power is below the Shasta Dam, and perhaps this is why it is not sought. This Shasta Dam Project was designed as a flood and salinity control project; it was planned to allow approximately 5,000 second-feet of water flow down in the river in an equalized flow, and this flow would incidentally be used to generate power and for irrigation. Now, for some reason, it, no doubt is planned, to convert this into a power project, with flood control and irrigation incidental.

According to Frank E. Bonner, and referring to pages 103, 83, and 94 of his report, by utilizing the fall and the flow in the American River, with 546,000 kwh., and the Feather River and Yuba River, one with 1,065,800 kwh. and the other with 389,675 kwh., a total of nearly 2,000,000 kwh. could be developed, and this does not include the power potentialities of many other streams in this basin. No power is needed in the Sacramento Basin if this is developed, and it should be developed even though it may cost more than to divert this water, which we doubt, before any water is taken from this watershed.

The recent storm is direct evidence that they are now allowing the flood waters of this area to go to waste, and not only that, but permitting the water to damage and inundate vast areas of valuable land, and imperil life and property, and still it is the desire to come up into this basin and take our most valuable natural resource from us. The inequity and injustice of this shocks the senses of any just man. We will read an article that appeared in the Sacramento Bee of February 7th, 1945, as follows:

**"WASTED WATER LOSS IN RECENT STORM IS SET AT \$43,000,000**

The water which flowed unchecked from the central valleys into the ocean in the latest storm would have been sufficient to irrigate an estimated 430,000 acres of land for one whole season and could have added at least \$43,000,000 to the State's agricultural wealth. In addition the wasted water could have produced \$390,000 worth of hydro electric power.

This was cited today by the United States Bureau of Reclamation here as additional evidence to substantiate the need for a comprehensive development of the Central Valley Project.

The bureau estimates roughly 1,300,000 acre-feet of water went to waste during the storm, enough to support 8,500 additional 50-acre farms in the central valleys.

#### COULD HAVE BEEN USED

Under a system of contemplated projects throughout the Central Valleys, the bureau reports all that water could have been saved and put to beneficial use.

Folsom Dam on the American River could have held about 250,000 acre-feet with a potential power value of \$63,000.

An estimated 290,000 acre-feet could have been checked by a dam at Bullards Bar on the Feather River in Butte County and a similar amount held by a system of dams on tributary streams above Iron Canyon on the Sacramento River.

Ione Reservoir in Amador County could have caught an additional 120,000 acre-feet and a dam on Dry Creek in Amador County could have held 30,000 acre-feet.

The approximately 22,000 acre-feet which spilled over the Melones in the San Joaquin Valley would have been stopped.

#### 15,000 ON LITTLE JOHN

Similarly, the bureau reports, projected dams would have controlled 15,000 acre-feet on Little John Creek in San Joaquin County; 18,000 acre-feet on the Tuolumne River; 15,000 acre-feet from creeks in the lower Cooperstown area in Stanislaus County; 2,000 acre-feet on Dry Creek near Snelling, Merced County; 110,000 on the Kings River at Pine Flat; 40,600 on the Kaweah River at the Terminus Damsite in Tulare County; 32,200 on the Tule River at the Seccess Damsite in Tulare County, and 19,500 acre-feet on the Kern River at the Isabella Damsite.

The estimate the water wasted could have irrigated 416,000 acres is based on the average use of 3 acre-feet of water per acre to bring a crop to maturity. Using \$100 as the gross average of each acre's production (in 1944 the average was \$136), the \$40,000,000 value of the wasted water was arrived at.

#### DAMS ARE BRIGHT SPOTS

The performances of Shasta and Friant Dams, completed phases of the CVP, was a bright spot shining above the storm and the rampaging rivers.

Shasta Dam held in check 233,800 acre-feet while Friant caught more than 94,000 acre-feet. The storm increased the storage in Shasta Dam to 1,820,500 acre-feet, and in Friant to 331,700 acre-feet.

It is useless to pursue this phase of the matter further if this evidence and these figures will not convince you.



### Evaporation

We are satisfied that the loss of these waters will have serious consequences on our climate. No matter what anyone says to the contrary. We saw what happened to the climate in Inyo and Mono Counties when the City of Los Angeles put its mammoth aqueduct up in that region and took away its waters. These areas became a desert with turbulent sand and dust storms menacing towns and villages and highway traffic. We believe that the evaporation from Shasta Dam will have a marked effect upon the climate in the Sacramento Canyon and vicinity and that was the opinion of everyone that should know something of the effects of evaporation and the moderating effect of large bodies of water on the climate. Those bare hills in the canyon, in five, ten or fifteen years hence will show effects of this storage. Then, why won't the loss of evaporation from the Klamath River have a marked effect? The Klamath River is nearly 200 miles long from Keno to the sea, and averages at least 100 feet in width. If so, the area of the water surface would be 2,400 acres. An acre of land in this altitude on a hot summer day will evaporate over 160 gallons of water according to the evaporation records taken at Lower Klamath Lake. Therefore 2,400 acres would evaporate 384,000 gallons per day. We believe it will be much more than that amount. Can it be said that this amount of water going into the air will not effect the humidity? The loss of this moisture will increase the fire hazard and have a marked effect on our foliage and verdure. Leaving out the element of evaporation, the moderating effect on this stream prevents frosts and sudden changes in temperature and its loss will, no doubt, be very detrimental.

### Interstate Rights

This is an interstate stream and both Oregon and California have rights in that stream under the doctrine announced in *Kansas vs. Colorado*, 206 U.S. 46, 51 L Ed. 936; *New York vs. Illinois*, 274 U.S. 488, 71 L Ed. 1161; *Connecticut vs. Massachusetts*, 282 U.S. 660. Each State has a right to make reasonable use of a stream as it passes through it. If the riparian rights doctrine prevails in each State, the rights to the stream is based on the riparian rights in each State on the stream; if the doctrine of appropriation prevails, each State may take just and equal rights therein by appropriations. Most of the rights in this stream, both in Oregon and California are rights exercised within the watershed. The proposal is a new departure for use of this stream in California, and in our opinion would open the door for equal rights and use by the people of Oregon, and it is physically possible for Oregon to use this water and she may also claim rights to take part of these waters out of the watershed. We say this opens the door for interstate complications, perhaps, not at once, but who can look into the future in these matters. Document 181 recognizes this legal question and makes this statement: "but to divert it to the Sacramento River Basin for irrigation would require action by the legislatures of both States. It is doubtful if such legislation would be enacted, particularly if the plan required the withholding of water from the lands of one State to permit its use in another."



**Conclusions**

We desire to thank you for your kind attention to what we have said. We think every statement we have made will be supported by records and facts. You have stated that you are not promoting this diversion or any diversion. We hope not. If you go ahead, we earnestly request you to make a full investigation of every phase of this matter. At present, the officials of this State are greatly exercised because they believe that a treaty with Mexico over the Colorado River will put a damper on our future hopes. By this diversion you will not only put a definite ceiling on our future hopes, but will destroy much that we hold at the present.

(Signed)

JAMES M. ALLEN

Chairman of Northern California  
Natural Resources Protective Committee

**APPENDIX XVIII**

**Statement by Senator Oliver J. Carter, Yreka, February 21, 1945**

Senator Carter at the Yreka meeting made a fine statement of his position in reference to the three schemes for diversion as follows:

"I should like to speak as the elected representative of those people.

"Shasta County is the county in which Shasta Dam is constructed and in which your Scheme 1 would deliver water into the Sacramento River in that county. And Trinity County, the other county which I represent, is the county in which the Trinity River flows and from which water is proposed to be diverted under Scheme 3 into the Sacramento River into Shasta County. And I have also had the experience of representing those people not only before the Corps of Engineers but before the Congress of the United States, particularly the Senate Commerce Committee, in a project that started just like this one. I have some rather bitter memories and, although the fight is not yet completed, I have some definite ideas upon this procedure. So I wish for the moment to leave my committee association out of this picture and speak as a resident of the City of Redding in the County of Shasta and as the elected representative of those people in both Trinity and Shasta Counties.

"My first observation is that these hearings are untimely. They are untimely for a number of reasons, the first of which is that, particularly referring to Scheme 1, the diversion of the waters of the upper Klamath River into the Sacramento Basin, there has been no necessity shown, no need shown for that water in the Sacramento Basin.

"As a resident of the Sacramento Basin and living just below Shasta Dam, the biggest unit of the Central Valley Project, I am vitally interested in the Central Valley Project and I want to see it developed to its fullest extent and I want to see the waters of the State of California in the central valleys conserved and put to a beneficial use.

"The history of the Central Valley Project and all of the other organizations and laws which have led up to the formation of what

is known as the Central Valley Project Act is a long one and I do not intend to go into that here. The only thing I have to say is that the construction and the development of that project have just been started and only two major units of that project have been anywhere near completed. Shasta Dam is near completion and Friant Dam, as I understand, has been completed except for some minor works to be done. But the development and the use of the waters stored in those projects have not been completed in any sense.

"So when we are faced with the diversion of waters from another watershed to put into that project the question immediately comes into our minds. What has been done to complete the project of which we have already entered into the construction? The answer is that there is a large number of power units upon which nothing has been done by way of construction and upon which a great deal of planning has yet to be done.

"Immediately below us on the Sacramento River we have the proposed Table Mountain Dam which the Corps of Engineers has proposed to construct on the Sacramento River. That dam is not a part of the State Water Plan, nor is it a part of the Central Valley Project as such. But you do have two major tributaries on the Sacramento River, the American River and the Feather River, which have a tremendous problem of water conservation and development. I include the Feather-Yuba System together. You also have the problem of the Calaveras River, Little John Creek. I think they call that the 'Calaveras-Little John.' Is that it? And you have the Melones on the Stanislaus, and then you have Friant on the San Joaquin, and you go on down into the Kern-King River Basin where you have the Tule, the Kaweah, the Kern, and the Kings. All of those rivers flow into the Central Valley and they have projects which have been proposed on them but which have not been developed at this time.

"It seems to me that until that project is completed, that is, in planning and at least in partial construction, we do not have sufficient knowledge to know whether we need additional waters from other watersheds. My people just believe that at this time to enter into a discussion of the diversion of the waters of the Klamath River, which were never considered in the Central Valley Project and which were not in the State Water Plan, which is one of the biggest for the Central Valley Project, is a waste of time. And, therefore, at this time we are opposed to it.

"That refers to Scheme 1 with both alternates. We are also skeptical of Scheme 1, that plan which proposes to divert water from the Klamath River into the upper Pit River Basin and put it through the Pit River power plants of the P. G. and E. and then down into Shasta Dam and through the Shasta power plant and down on through the Sacramento, through the proposed Table Mountain power plant. We have not yet heard, and we should like to know, what relationship the use of public moneys has to the private development of the water supplies of the Pit River by the Pacific Gas and Electric Company. There has been no testimony so far as I have been able to ascertain that has explained the nature

of that development with respect to what is to be done with the private holdings or what contribution private ownership is to make toward the cost of bringing those waters into the Sacramento Basin.

"We also feel that it is untimely because, from the very nature of this discussion, the people are not able to be advised of what is proposed to be done in such detail that they can give you an intelligent answer.

"I stand here before you trying to guess what you are going to do to my people. I don't know. But if you are going to do what I think you are trying to do, I am against it. But it just seems to me that this proceeding is putting the cart before the horse.

"My experience with the Corps of Engineers' procedure of holding their hearing has been that hearings are of not any particular importance once they have made up their mind. We in Shasta County were never called into any consideration when Table Mountain Dam was discussed or when the plans were formulated. The bill was in Congress before we ever had any idea that the matter was to be taken up, and then we were met with the same argument that is used here: 'You have the opportunity to appear before the congressional committees.' We tried that. We finally got a hearing before the Senate committee. And I want to assure you ladies and gentlemen that any time you appear before a congressional committee with a Government agency as strong as the United States Army against you, you haven't much chance! And if you don't stop the thing at this stage of the proceeding, then your problem is one which you might as well consider a lost cause unless you can bring sufficient weight to bear in Congress to support your views. That for people of an area that is not very densely populated is one that is well-nigh impossible both from a financial and from a power point of view.

"You see before you, ladies and gentlemen, a very finely balanced battle that is going on. It is one in which the people are fighting their Government. It is one where Government agencies come before you and say 'We are asking you to tell us a story, but we are not going to let you know what are the answers. We're not going to give you the complete picture.'

"I have heard Senator Collier before ask for information and they say 'Well, we will try to get you the information, but it is not public and we don't know whether it should be released to you.'

"Well, ladies and gentlemen, that is just one of those things that you fight all the way through with that type of agency.

"It is untimely for another reason. It is untimely because at the present time this Nation is engaged in a conflict and all of the people in this area have been disturbed by the proposals here. There are a great many of them who are opposed to them. I have noticed it through sitting on the committee and having received communications from various interested parties.

"This is at best a long way in the postwar period and, in my opinion, I think that the time to start new projects of this kind which are not related with the war effort is after the war is over.



"It is well known that Government agencies, not only the Corps of Engineers but other agencies, are trying to build up a backlog of public works. This may be one of those proposed public works upon which the Nation will have to depend for employment in case there is a dislocation in employment. But the relationship of the construction of this project, even under the best of conditions, is such that I do not think it could be an immediate postwar construction problem and would have to be very far in the future, if constructed.

"I also desire to direct some remarks to the project itself as it affects the Klamath River. I want to say that I am on the Joint Interim Committee of the Senate and Assembly in Investigating Fish and Game Problems. I am also on the Senate commission which was formed in 1943 to investigate the timber resources of the State of California. Being a member of those committees, it has been my duty and it has been my pleasure to have participated in surveys of the Klamath River Area from the standpoint of timber and natural resources as they affected the fish and game problem. Through the technical experts of the Division of Fish and Game and the State Division of Forestry and other governmental agencies I believe that I have a pretty good picture of what are the resources.

"I must say that I have to concur with Judge Allen when he says that the great resources, and particularly the timber resources, of the lower Klamath River Basin have not been touched and the waters of the Klamath River should be dedicated first to the development of those resources. The State of California intends to embark upon a timber conservation program. One of the phases of that program is watershed protection. That is, we consider that the timber in the hills does protect the water resources and it has a definite relationship with it.

"We believe that the waters of the Klamath River should be dedicated to the protection of that resource. We also consider that the timber and the waters that run through the country where the timber lies are great recreational areas, and we feel that those areas should be developed for their best use. That is, if they are recreational lands they should be used as recreational lands. The Klamath River Basin has an abundance of that type of land. It has been only partially exploited to that extent.

"On top of that you have a fishery. And when I say 'fishery,' I mean the total fishing resource, and that does not just mean salmon or steelhead. It means all types of fish which can be used either commercially or for sporting purposes. The Klamath River in that respect has an abundant form of fish life. The salmon and the steelhead are the most valuable at the present time and they are taken in the ocean commercially, particularly the salmon, and are taken in the river by sportsmen.

"I know from estimates made and I know from figures that have been produced before those committees that the money invested in the sporting end or in the commercial end of the sporting fishery, that is, in the dollars-and-cents return to those people who are in the business of supplying sportsmen, is a valuable resource to the people of this community. It is something upon which a great



number of people exist in the Klamath River Basin because it has been dedicated to and used by sportsmen.

"So, as a member of the Legislature who has had those problems before him, referring now to Scheme 1 and Scheme 2 insofar as they interfere with the use and development of the recreational features of this area, I believe they are unfeasible and should be resisted.

"As I say, I represent the people of Trinity County who are faced with Scheme 3. In that respect I take this position:

"The proposed Trinity River diversion is a part of the State Water Plan. That diversion has been discussed for many, many years. There is a Federal agency in the field making an investigation of that proposed diversion, being the Bureau of Reclamation of the Department of the Interior. That agency has been carrying on this investigation for a number of years.

"I know from previous discussions that the information that the Bureau of Reclamation obtains from this investigation will be available to the Corps of Engineers under what you call a 'Quadripartite Agreement.' That is quite a job! I call it the 'Four Power Agreement.' And that the Corps of Engineers does not intend to duplicate, any more than it has to, any of the work that may have been done by the Bureau of Reclamation. But I feel this way: that we do have a form of competition at least between the Bureau of Reclamation which has entered into the study of this project with the ultimate idea in mind of building the project if it is feasible and the Corps of Army Engineers, which is also studying the project with the idea of building it if that agency thinks that the project is feasible. So we have injected into the picture the competition between two Federal agencies. There may be more as far as I know, although I have not heard what the Federal Power Commission has to say because I was unable to attend our Sacramento meeting. And maybe the Department of Agriculture is interested, but I do not know to what extent.

"The point is that the people are being constantly put into an uproar by one agency or the other agency making an announcement as to what is going to be done on the project or what is proposed to be done.

"I feel this way: Let the Bureau of Reclamation finish its study and then let the various agencies involved make their proposals to the people of the areas that are involved, and then let the people either express approval or disapproval and let the matter follow its ordinary course. And for that reason I think that this proposal upon the Trinity River by the Corps of Engineers is unnecessary at this time.

"I am interested in the Trinity River from an additional point. I say that it is in the State Water Plan, and the State Water Plan has proposed a diversion of waters from the Trinity River into the Sacramento. It has a very high economic value in its power production possibilities and it will put additional water into the Sacramento River below Shasta Dam. That water may be of some value. But as a representative of the people of Trinity County and those people in Shasta County who enjoy the recreational features of the

Trinity River, I do not believe that the waters of the Trinity River should be taken if the natural resource of fishing, wildlife, and so on, will be impaired or destroyed to such an extent that the county will suffer an irreparable loss. When we shall have the information as to what the proposal will do, then we shall be able to give you the answer and the people who are affected will be able to appear before you and give you their story. At the present time we do not have that information.

"I know by talking to representatives of the Division of Fish and Game and of the Fish and Wildlife Service that the information on the fishing question has not yet been assembled, that they are in the process of gathering that information, and that it will take a considerable period of time, three or four years at best, before that information can be assembled so that you will have some intelligent answers to questions that may be asked.

"So I say that as far as the Trinity River is concerned my people feel that you should let the bureau complete its study, let us have the information and then let us make our decision. I know that there is a division of opinion at the present time and that opinion will be more divided unless we have that information. Perhaps it will still be divided, I do not know.

"I have expressed my views as far as the people of Shasta and Trinity Counties are concerned and I have given you a general picture as to my position as a representative of the State of California, but the one thing that impresses me above all in this whole thing is that it is unnecessary at the present time. If it were allowed to remain until after the war or until the necessity for diverting waters from the Klamath River into the Sacramento actually occurs then the problem could be met on its merits. But, as Judge Allen said, all we are now trying to do is venture an opinion of what will lie before us in the future. The plan as such is premature at the present time. And until the time arrives when the waters of the central valley that are within the central valley have been developed to their fullest extent or at least have been developed to a point where we know what will be the water requirements of that valley, there will be no necessity for the diversion of the waters of the upper Klamath River for the use of the water except for hydroelectric power.

"Judge Allen has pointed out to you that many of these other projects in the central valley proposes the development of hydroelectric power, so that those projects should be developed and the power should be put to a use to determine the potential uses in the future that will be made upon the waters of the Klamath River for power in other areas, if necessary.

"As so at the present time we are opposed to Scheme 1. We are opposed to Scheme 2 insofar as it may interfere with the recreational values of the Klamath River and insofar as they are made for the development of the hydroelectric power that may be developed in the central valley. While we are not opposed to Scheme 3, we believe that any action on Scheme 3 should be held in abeyance until the agency charged with the investigation completes it."

## APPENDIX XIX

Report and Estimate on Shasta Valley Project—United States  
Reclamation Service—1905

## REPORT AND ESTIMATE ON SHASTA PROJECT

During the summer, fall and winter of 1904, petitions signed by practically all of the resident landowners of Shasta Valley were presented to the engineers of the Reclamation Service, asking that a survey be made to determine whether or not it would be feasible or possible to irrigate that valley from the Klamath River. Complying with these requests, Mr. M. D. Williams, Assistant Engineer, during August and September of 1905, made a reconnoissance and prepared a report and estimate of the project. From this and also from limited knowledge of the Shasta Project gained from a two-weeks reconnoissance which I made during the summer of 1904, the following estimates have been made. It might be stated, however, that no effort has been made to go into minute details from the fact that the available information would not warrant it.

Shasta Valley is located in northern California and contains the largest body of farming land in Siskiyou County. It is from two to six miles in width, about 24 miles long and has an elevation of from 2,400 to 3,000 feet and is traversed throughout its entire length by the Southern Pacific Railway.

The climate of Shasta Valley is mild. The summers are warm, with a maximum temperature of 110 degrees. The winters are mild; the temperature rarely ever falls below 5 degrees. The springs are rather late and frosty. For the last ten years there has been an average of 17.6 inches of rainfall; not more than half an inch of this, however, comes during July, August and September. Irrigation, therefore, is necessary for successful farming.

The country is undulating, cut up and rocky in places. The soil on the west side of the valley is a heavy adobe underlain by lava. On the east side it is a sandy loam. There is a considerable area towards the southern part of the valley commonly known as the "Cedars," which looks to be an old lava flow; it is partially covered with pumice, also alluvial soil which has been carried from the adjacent foothills by the wind and rain.

There are perhaps 100,000 acres of agricultural land in Shasta Valley held for the most part in private ownership. Of this amount 58,100 acres are irrigable from Klamath River by gravity flow. It is possible to irrigate 10,000 acres by pumping with a lift of 200 feet and there is a chance to develop power for this purpose, but it is believed that the cost would be excessive. From Little Shasta River and various springs there are now perhaps 10,000 acres under an imperfect system of irrigation.

There are about 5,000 people in Shasta Valley; they depend upon lumbering, mining, stock-raising and farming for livelihood. Wheat, oats, rye, barley, vegetables, wild hay, alfalfa and fruits are grown successfully; the latter, however, are sometimes injured by the late spring frosts.

At an elevation of 3,000 feet, 16 miles below Keno, Oregon, the waters of the Klamath River can be diverted by an 8-foot weir, and carried



along the east bank of the river into Shasta Valley, and, as stated above, applied for irrigation upon 58,100 acres of land. Because of the steep precipitous canyon the water must be carried for a distance of 20 miles either by a series of long tunnels or by short tunnels and cement-lined canals. The former could be maintained with much less expense when once constructed, but the first cost would be excessive and perhaps more than the land would justify. A line, therefore, contemplating three short tunnels, two siphons, and cement-lined canals, was surveyed and the estimated cost of constructing the same is here given.

The landowners of the Shasta Valley have expressed a desire to organize a water users' association and to do any other thing in reason to induce the Government to undertake the construction of this project. They are now waiting to know what can be done, and I would respectfully recommend that as soon as convenient this matter be taken up and these people notified of the findings.

#### Basis of Estimate for Shasta Project

- (a) General Topographic Map.
- (b) Angle Line Survey (Reconnaissance by M. D. Williams, Asst. Eng.)
- (c) Materials classified by surface inspection, examination of old irrigating ditches, railroad cuts and wells.
- (d) Value of Kutter's "n" Earth Canal..... .025
- Value of Kutter's "n" Rock Canal..... .040
- Value of Kutter's "n" Concrete lined canal..... .012
- (e) Yardage computed for economic cuts plus 20%.
- (f) Cost of rights of way based on present selling prices of land.
- (g) Duty of water—1 second-foot for 100 acres plus 11% for loss by seepage and evaporation.

#### List of Irrigable Lands

	Net
Area under main canal line.....	5,000 acres
Area under East Branch canal line.....	33,600 acres
Area under West Branch canal line.....	19,500 acres
Total .....	58,100 acres

#### Diversion Weir on Klamath River (15 miles below Keno, Oregon)

Length .....	300 feet
Width .....	8 feet
Temporary structures, wing dams, etc.....	\$2,000
Pumping plants .....	1,000
600 cubic yards concrete masonry at \$15.....	9,000
Engineering and contingencies, 25 per cent.....	3,000
Total .....	\$15,000

#### Main Canal head—Gates

Paving, 500 square yards at \$2.....	\$1,000
Concrete, 600 cubic yards at \$15.....	9,000
Gates and Stands, 4 at \$400.....	1,600
Engineering and contingencies, 25 per cent.....	2,900
Total .....	\$14,500

#### TUNNELS NOS. 1, 2 AND 3

(5700', 675' and 800' in length respectively)

Height, 7 ft. to springline.	
Width 6 ft. concrete lining 8 inches.	
Q—656 sec. fet. v—15.6 ft. per sec.	
7175 ft. tunnel at \$25 per ft.....	\$179,375
Engineering and contingencies, 25 per cent.....	44,844
Total .....	\$224,219



## CANAL (LINED SECTION)

Q—656 sec. ft. v—8.9 ft., per sec. length 20.3 miles.	
Bottom width—6 ft. Depth of water 7.5 feet.	
Side slopes $\frac{3}{4}$ to 1. Lining 6" thick.	
Earth excavation 41,756 cu. yds. at 25¢	\$10,439
Earth and rock excavation 167,025 cu. yds. at 60¢	100,215
Rock excavation 626,350 cu. yds. at \$1.25	782,937
Concrete lining 53,592 cu. yds. at \$15	803,880
Engineering and contingencies, 25 per cent.	424,368
Total	\$2,121,839

## CANAL (EARTH SECTION)

Q—656 sec. ft. v—3.1 ft. per sec. Length 10.2 miles.	
Bottom width—20 ft. Side slopes $1\frac{1}{2}$ to 1.	
Earth excavation 149,730 cu. yds. at 25¢	\$37,432
Earth and rock excavation 364,380 cu. yds. at 60¢	218,628
Rock excavation 56,579 cu. yds. at \$1.25	70,724
Engineering and contingencies, 25 per cent.	81,696
Total	\$408,480

SHOVEL CREEK SIPHON  
Max. head 262 ft.

3,600 ft. wooden stave pipe 7'6" diam. at \$25.10 per ft.	\$90,360
Intake and outlet, each at \$500	1,000
Engineering and contingencies, 25 per cent.	22,840
Total	\$114,200

BOGUS CREEK SIPHON  
Max. head 274 ft.

1700 ft. wooden stave pipe 7'6" diam. at \$21.30 per ft.	\$36,210
Intake and outlet each at \$500	1,000
Engineering and contingencies, 25 per cent.	9,302
Total	\$46,512

## LATERALS AND DRAINS

5,000 acres at \$5	\$25,000
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## WEST—GATE

Waste-way with flash-boards	\$2,000
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## CULVERTS

30 culverts at \$1,000	\$30,000
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## BRIDGES

Five 50 ft. bridges at \$400	2,000
Five 20 ft. bridges at \$200	1,000
Engineering and contingencies, 25 per cent.	15,000
Total	\$75,000

## RIGHTS OF WAY

Rights of Way	5,000	\$5,000
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## RECAPITULATION OF MAIN CANAL

Diversion weir on Klamath River	\$15,000
Headgate	14,500
Tunnels	224,219
Canal (lined section)	2,121,839
Canal (earth section)	408,480
Shovel Creek Siphon	114,000
Bogus Creek Siphon	46,512
Laterals and drains)	
Waste-gate	75,000
Culverts and bridges }	5,000
Rights of way }	
Total	\$3,024,750

## East Branch Canal

## HEADGATE

Headgate .....	\$1,000
Engineering and contingencies, 25 per cent .....	250
	<hr/> \$1,250

## CANAL

Q. at head 359 sec. ft. v—2.7 ft. per sec.	
Bottom width canal 15 ft. Side slopes 12 to 1.	
Length 23.66 miles.	
Earth excavation, 416,791 cu. yds. at 20¢ .....	\$83,358
Earth and rock excavation, 106,681 cu. yds. at 60¢ .....	64,008
Rock excavation, 14,288 cu. yds. at \$1.25 .....	17,860
Engineering and contingencies, 25 per cent .....	41,307
	<hr/>
Total .....	\$206,533

## BRIDGES

Five 50-ft. bridges at \$400 .....	\$2,000
Five 30-ft. bridges at \$200 .....	1,000

## CULVERTS

15 culverts at \$1,000 .....	15,000
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## LATERALS AND DRAINS

Laterals and drains for 33,600 acres at \$4 .....	\$134,400
Engineering and contingencies, 25 per cent .....	38,100
	<hr/>
Total .....	\$190,500
Rights of way .....	5,000
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## RECAPITULATION FOR EAST BRANCH CANAL

Headgate .....	\$1,250
Canal excavation .....	206,533
Bridges, culverts, laterals and drains .....	190,500
Rights of way .....	5,000
	<hr/>
Total .....	\$403,283

## West Branch Canal

Headgate .....	\$1,000
Engineering and contingencies, 25 per cent .....	250
	<hr/>
Total .....	\$1,250

## CANAL

Q. at head 217 sec. ft. Length 24.42 miles.	
Bottom width 12 ft. Side slopes 1 to 1.	
Earth excavation, 300,501 cu. yds. at 24¢ .....	\$60,100
Earth and rock excavation, 55,779 cu. yds. at 60¢ .....	33,467
Rock excavation, 5,509 cu. yds. at \$1.25 .....	6,886
Engineering and contingencies, 25 per cent .....	25,113
	<hr/>
Total .....	\$125,566

## BRIDGES

Five 50-ft. bridges at \$400 .....	\$2,000
Five 30-ft. bridges at \$200 .....	1,000

## CULVERTS

Five culverts at \$1,000 .....	5,000
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## LATERALS AND DRAINS

Laterals and drains for 19,500 acres at \$4 .....	78,000
Engineering and contingencies, 25 per cent .....	21,500
	<hr/>
Total .....	\$107,500

## RIGHTS OF WAY

Rights of way .....	5,000
	<hr/>
	\$5,000

SIPHON SHASTA RIVER  
(Max. head, 270 ft.)

3,635 ft. wooden stave pipe 7" diam. at 25.45 per ft.-----	\$92,511
Intake and outlet, each \$500-----	1,000
Engineering and contingencies, 25 per cent-----	23,378

Total -----	\$116,889
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RECAPITULATION FOR WEST BRANCH CANAL

Headgate -----	\$1,250
Canal excavation -----	125,566
Bridges, culverts, laterals and drains-----	107,500
Shasta River Siphon-----	116,889
Rights of way-----	5,000

Total -----	\$356,205
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Final Recapitulation

Main Canal -----	\$3,024,750
East Branch Canal-----	403,283
West Branch Canal-----	356,205

Total estimated cost of system-----	\$3,784,238
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Cost per acre, \$65.13.

Estimate base on reconnaissance and report made by M. D. Williams, assistant engineer.

Respectfully submitted.

T. H. HUMPHREY, Project Engineer

APPENDIX XX

Report on Shasta Valley Project by J. E. Ludy, Montague, 1911

MONTAGUE, CALIFORNIA, June 24, 1911.

*To the HON. G. W. DWINNELL, ARTHUR SIMON AND T. J. NOLTON, ET AL :*

In accordance with your request and with your assistance, I have examined your valley (as thoroughly as the time will permit) with a view of determining the feasibility of installing a gravity plant, with a capacity sufficient to irrigating 60,000 acres of land in Shasta Valley by diverting 600 second-feet or 30,000 miners inches of the waters of the Klamath River in this State.

Having expected to rely upon the consideration of this matter, data maps, and profiles compiled by former surveys, the principal ones being the U. S. R. S. and what is known as the Davidson Survey, but which have not been available. Both of these surveys proposed diverting the waters of the Klamath River, but at different points (The Davidson being some 10 miles above the U. S. R. S.), and both surveys covering the same territory that the system now under consideration proposes to irrigate. The data contained in these surveys would greatly assist in making a study of the proposed and estimates of the cost of same, and also of great value in completing its surveys.

It will therefore be noted, that any statements or estimates hereinafter made, as to cost will be in comparison with the cost of like work in other localities, having similar formations, profiles and contours.

Under the foregoing conditions, I herewith submit the following estimate of costs from the point of diversion, some six miles above Klamath Hot Springs at or near the State line of California and Oregon at an approximate elevation of 2,900 (elevation of Hot Springs being 2,700).

Following down the Klamath River, on its South Bank with a proposed grade of three feet per mile, crossing Shovel Creek by means of a syphon, above the Hot Springs, continuing the same course for five or six miles to a point on the mountainside, above the County Steel Bridge over the Klamath River.

Thence bearing to the south through a saddle in the mountain and running via the head of Bogus Creek, to the divide between this stream and Willow Creek; at this point the grade of the canal will have an approximate elevation of 2,800 feet, and will be the point of distribution into the main lateral canals for Willow Creek and Shasta Valleys.

The country traversed by this main canal is mountainous and rolling section, slopes from one vertical to two horizontal, to 1 to 10. The general formation is basaltic cut by granite, slate and tufa.

The soil is a dark rich loam; in places partaking of the nature of adobe, generally rocky or gravelly.

The approximate cost of this main system, a distance of 20 miles, is estimated to be \$743,000. This amount includes the construction of a syphon of one mile in length and tunnel excavation of one mile in length divided into three short tunnels, also \$70,000 to be expended in constructing headgates, check gates and diversion gates, making a complete and up-to-date system, to a point a sufficient elevation to bring all the irrigable lands of the Willow Creek shed under the water of this system and also that part of Shasta Valley that does not reach too great an elevation in its southern portions. The estimated irrigable acreage under this system is 60,000 or more.

These lands would probably be irrigated by four main lateral canals taken from the main system at the head of Willow Creek, one on either side of Willow Creek at as great an elevation as can be economically maintained, the third one flowing along the east side or head water of Willow Creek Basin, crossing the divide into Shasta Basin, thence southerly along the east side of Shasta Valley, at as high a level as can be maintained covering the irrigated lands of that valley.

The fourth lateral canal following the divide between the Oregon Slough and Willow Creek (which will also conduct the water for the lateral that is to be constructed on the south and west sides of Willow Creek Basin) to a point near Snowden.

Thence following the west side of Shasta Valley in a southerly direction crossing Shasta Rivers west of the Town of Montague and continuing in a southerly direction as far as the line of lateral would cover unirrigated land. It is safely estimated that this system, with its various diverting points along its main line and after reaching its general delivery point at the head of Willow Creek, which includes the Willow Creek lands and those of Shasta Valley, would exceed 60,000 acres of good agriculture land now dry with a security on the land of \$30 per acre, or securities to the amount of \$1,800,000 backed by the land, which is not excessive, considering the magnitude of the undertaking and the raise in the value of the land to be reclaimed, raising its value from \$15 per acre, its present value, to \$100, its value when under water of this proposed system. The water rentals or maintenance should be \$3.50 during the early periods of its operation, which will probably all be consumed for that purpose during the first



few years of its operations, and later, after the lands were all under cultivation and defective points in the canals strengthened, \$2 or \$2.50 would probably keep up the maintenance and produce a reasonable return for the investment.

The survey of the canal should begin at the proposed point of diversion some six miles above Klamath Hot Springs, following the grade and line as hereinabove described.

For the relief of that portion of Shasta Valley which lays above the flow of the above proposed canal system, there is likely storage proposition by means of a dam 50 feet high at or near the point where Williams' upper dam is now located across Big Shasta River, which stream has a sufficient flow of water to irrigate 40,000 acres, in excess of its waters already appropriated and used for that purpose, except in its low water periods, and by the construction of the proposed reservoir with an estimated capacity of 60,000 acre-feet, a supply of water adequate to irrigate 40,000 acres of fertile but not irrigated land, by means of a canal leading from the proposed reservoir and running in a westerly and northern direction, covering the land in the vicinity of Gazelle and extending north until it meets the water of the proposed canal from Klamath River, also a canal taken from the proposed reservoir running easterly and northerly until it meets the water of the proposed canal from the Klamath River. The probable cost of constructing the proposed dam to store this water would be \$250,000 to \$300,000.

The extent of its storage capacity should be thoroughly estimated and reported upon at an early date, as it promises to be a capacious reservoir at a comparatively small cost except for the valuable property it covers. The above statements are made, believing them to be approximately true, and without any intention of color, and it appeals to me that your project now under consideration is very meritorious and deserving of your most earnest and untiring effects until its success is assured.

To you gentlemen who have taken the initiative in this enterprise, which means so much to this section when completed, deserve much credit and I am especially indebted to Mr. T. J. Nolton, who has been continuously with me during my investigation, from whom I have derived much valuable information and who has been untiring in his efforts, cordial and frank in his manner.

Hoping you success in this great undertaking, which means so much to this section, I am,

Yours truly,

J. E. LUDY, *Examining Engineer*

## APPENDIX XXI

Report on Proposed Shasta-Klamath Irrigation District by State of  
California, Department of Engineering, 1921

STATE OF CALIFORNIA  
DEPARTMENT OF ENGINEERING, SACRAMENTO

April 19, 1921

Mr. W. F. McClure, State Engineer  
Sacramento, California

SUBJECT: Proposed Shasta-Klamath Irrigation District

DEAR SIR: The proposed district comprises nearly all of Shasta Valley.

The area embraced in the petition presented to the board of supervisors aggregates about 287,000 acres. This includes about 35,000 acres which are irrigated in a more or less complete manner by water obtained from Little Shasta River, Shasta River and a number of large springs in different parts of the valley.

Of the 35,000 acres of so-called "irrigated" land, about 3,000 acres are in Grenada Irrigation District, the whole area of which is about 5,800 acres.

Many of the property owners in Grenada District signed the petition for the larger district and are desirous of having the former included in the latter. It may be that if any are opposed to its inclusion, that can not be legally effected, a question which is referred to the legal advisors.

A careful examination of levels run for canals around the valley indicate that about 64,000 acres included in the petition are above the probable line of gravity canals, or rough and rocky and should be excluded.

Embraced in the excluded area are 4,000 acres of "irrigated" land.

The irrigated land then appears in three classes, i.e.:

In the excluded territory-----	4,000 acres
In Grenada District-----	3,000 acres
Inside proposed district but excluded therefrom-----	28,000 acres
	<hr/>
	35,000 acres

A map is presented upon which the boundaries are delineated in color which it is believed marks the outer limits to which it is practicable to deliver water by gravity.

Should it be found advisable to include Grenada District within the proposed district the west boundary of the former may be taken as the west boundary of the new district, but if Grenada District shall be excluded, then it were better to make the lines of the new district to coincide with the southeast and north boundaries of Grenada District so as to exclude the whole of it.

Assuming that Grenada District will be included, the computation for areas appear as follows:

Area included in petition-----	287,000 acres
Area excluded above canal lines-----	64,000 acres
Area excluded as being irrigated-----	28,000 acres
	<hr/>
Remainder to be included-----	195,000 acres

A large part of this area is occupied by detached buttes and chains of small hills which are too high or too rough and rocky for successful irrigation and should eventually be excluded. The determination of these areas can not be made without accurate detailed surveys. It is estimated that 40 per cent of the area may be properly excluded from irrigation, leaving 118,000 acres as the probable maximum net area of irrigable lands in the district requiring water.

The source of water supply will be, primarily, Klamath River; secondarily, small streams, tributary to the Klamath, intercepted by the main conduit, and Shasta River and its tributaries.

It is proposed to store surplus water of Klamath River in Lower Klamath Lake in California; in Upper Klamath Lake, Oregon, for which applications have been made to the respective water commissions. Also some smaller sites in Oregon are in contemplation.

Several surveys have been made looking to the irrigation of the valley. The first survey was made by County Surveyor Davidson in 1892. The data of this survey available is very meager.

A reconnaissance was made in 1904 by the U. S. Reclamation Service, which proposed to divert water from the Klamath about 16 miles below Keno. With this canal it was found practicable to irrigate about 58,100 acres. The cost was estimated at \$3,784,235.

In 1921 Messrs. Symmes and Means made a survey for the same purpose. Three lines were examined, the selected one beginning a short distance below Keno at elevation 4,081 feet. The total length of the surveyed line was about 42 miles, coming into the valley at an elevation of 3,940 feet. Here it was proposed to drop 800 feet for power.

The area estimated to be irrigable was placed at 75,000 acres. The cost about \$4,000,000. No surveys were made about the valley, but it was estimated that a distributing system would cost about \$15 an acre, or a total of \$72 exclusive of power value.

The proponents of the Shasta Klamath Project have caused surveys to be made of a possible canal route around the valley from the end of the Means Survey. This survey, keeping on a higher level, will enable a much larger area to be covered than was contemplated in the Means or Reclamation Service surveys.

By carrying the main canal on high ground it will be possible to drop water down to the lowlands through power plants.

The natural flow of the Klamath River is only about 350 second-feet in summer.

The California-Oregon Power Company which has a plant on the river about 24 miles below Keno, has entered into a contract with the Reclamation Service to raise the outlet of Upper Klamath Lake so as to regulate the flow. There will be about 1,600,000 acre-feet of regulated flow, of which the Klamath River Project will retain 300,000 acre-feet.

The power company expects to develop 25,000 h.p. from the regulated flow which will amount to about 2,500 second-feet over its dam.

Assuming that the irrigation project will acquire storage rights, and the power company by virtue of its participation with the Reclamation Service will be entitled to enough water to develop 25,000 h.p. at its Copco plant and the district canal will pass some 700 or 800 feet above higher than the Copco plant. By making its diverting canal large enough



it can carry sufficient water in excess of its own needs to turn enough down to the power company to produce the power required.

If 118,000 acres are found to be irrigable and say 10,000 acres will demand water at the rate of two acre-feet in 120 days of irrigation period and allowing 25 per cent losses, it will require the delivery of 2,222 acre-feet a day or 1,100 second-feet diverted, leaving 1,400 second-feet for power production which is, with the high head available, about three times the needs of the power company.

There are some applications for power rights on the lower river, but the Water Commission has not reached action upon them.

The project appears feasible. A large body of land is susceptible of high development under irrigation. Klamath River appears to be the only source from which water can be obtained for more land than is already irrigated.

Sufficient data is not at hand to enable an estimate to be made of the probable costs other than the figure referred to above. Many of the landowners expressed the belief that if it were necessary to expand to such of the lands could stand \$150 an acre to get a reliable supply of water. No way appears now to finance a very great outlay without governmental aid.

It is proposed to organize a district so as to have a legal organization with power to raise money and then to enlist the Reclamation Service to make the necessary investigations to determine details and feasibility of the project.

Doctor Elwood Mead obtained promise in Washington that the Service would make the investigations if the district could furnish the funds, or part of them. There is now a bill pending in the California Legislature to appropriate money for part of the surveys to be made in cooperation with the Government and others.

It is possible, also that if the project appears to the Reclamation Service to be of sufficient merit, it may become a part of the Klamath Project, which arrangement will greatly simplify any legal complications that will otherwise have to be settled between the district and the State of Oregon and the power companies.

The organization of an irrigation district seems the only way by which a comprehensive investigation can be financed and the landowners being well aware that it is possible that such investigation may show the scheme to be not feasible and would necessitate the dissolution of the district, they are in favor of taking that method of ascertaining, once for all, whether the valley can be irrigated.

The probable cost is not known, and apparently can not be ascertained without a public organization such as an irrigation district. An advantage that may accrue, if Grenada District can be included within the proposed district will be this:

The Grenada District has to pump its water to a great height at a constant expense for power.

With the Shasta District canals at the projected elevation, Grenada District could obtain its water therefrom by gravity and release its own water to irrigate low lands without pumping.



A map is presented whereon is shown the boundaries embraced by the petition and also the boundaries recommended for adoption.

Respectfully submitted.

STATE CHIEF ASSISTANT ENGINEER

PMN:LAB

Endorsed—Filed 11th day of April, 1921.

W. J. Neilson, County Clerk of Siskiyou County, California.

#### APPENDIX XXII

Statement by Senator Quinn Regarding the Proposed Klamath and Trinity Diversions and Their Effect on the Commercial Fishing, Sport Fishing, and Industrial Opportunities in the Lower Klamath Basin

#### EFFECT OF THE DIVERSION OF THE TRINITY AND KLAMATH RIVERS TO THE LOWER REGIONS OF THE KLAMATH STREAM IN HUMBOLDT COUNTY AND DEL NORTE COUNTY

This part of the report is confined more to the question of what effect the contemplated diversion of the Klamath River and the Trinity River will have upon fishing, recreation and industry, and what effect such diversion will have upon the climatic conditions and the forests in the lower region of the Klamath and Trinity Rivers that flow through Humboldt, Del Norte and Trinity Counties, which contain most of the areas through which these rivers flow. In other parts of this report the question of unsoundness of said diversion and the fact that it is unnecessary, has been treated.

COMMERCIAL FISHERIES—It has been demonstrated beyond question that the Klamath River waters are the source of most of the salmon found in the Pacific Ocean coastal waters from the Oregon State Line south to Fort Bragg. A very large commercial fishing industry based on the catch of such salmon has been developed, with fishing ports at Eureka, Del Norte, Fort Bragg, and several lesser places along the coast. Humboldt Bay alone is the base of more than 125 fishing boats engaged in this industry. The number of combined ports of Crescent City and Fort Bragg is as great. Most of these fishing boats that catch salmon are manned by one or two and up to four men, they are usually the small fishing boats. The salmon catch is the fish they rely upon to make commercial fishing a profitable business. We find that the production of salmon spawning in the Sacramento River because of the Shasta Dam is doomed. It would take at least two years more to determine whether the salmon in that river can survive and maintain the commercial fishing in the Bay of San Francisco and lower regions of the Sacramento River. If this occurs then the only source of commercial salmon will be from the Klamath River System. There is an investment in commercial fishing equipment in Humboldt Bay of more than a million dollars. The backbone of this industry is the salmon. As to what this means, the report of one small fishing concern, Weissich & Company, produced with 20 boats, 486,902 pounds in the 1944 season, which had a commercial value of \$99,814.91. The Consolidated Fisheries for the same season received 440,122 pounds. This is only a small portion of what

comes into the Port of Eureka. The Crescent City and Del Norte commercial fisheries produce an income of more than \$175,000. The commercial fishing of salmon from the ocean is a million dollar industry and as it now stands it is dependent upon the Klamath River and the Trinity River for spawning grounds. There can be no question but what a 365-foot dam on the Trinity River at Fairview with a 600-foot dam on the upper Klamath would have immediate and serious effect upon the spawning grounds for salmon and steelhead. The chief spawning grounds on the Klamath for salmon extends over those regions below Copco Dam for 100 miles or so. There were statements made to the effect that the flow of the Klamath River would be greatly lessened, as a matter of fact, during the summer months there would be much more water diverted than normally flows down the Klamath. If this were put into effect the result would be that many of the sandbars and areas on the river where the actual spawning takes place, would become exposed and dried up, thereby reducing the spawning area. It has also been demonstrated that even though there is some water left in the river it is more difficult for fish life to survive as the waters become too warm, stagnant in places, and not adapted to spawning life. Beside this, no one knows what further effect the upsetting of the natural conditions on the river would be upon fish life or vegetable life. As to what effect the construction of these dams would have upon the spawning grounds and fish life is now being closely and intimately studied by Dr. Van Cleve, of the Fish and Game Wild Life Commission of the California Fish and Game Commission, and Dr. Taft, of the California Fish and Game Commission, is making a like study on the Trinity River. Their studies have not been completed, but no doubt will be revealing. Already these gentlemen have expressed their unqualified opinions that the construction of these two dams would be disastrous to the salmon industry and the propagation of salmon on those rivers. No one yet has successfully devised a means of taking fish over a dam of a greater height than 100-feet, even that height is scarcely practicable from all reports.

**SPORT FISHING**—Without question Klamath River from the Copco Dam for two or three hundred miles through the mountains to the sea is one of the most outstanding sport fishing streams of the world, and is famous throughout the world among sportsmen for its salmon and steelhead fishing. Prior to the war thousands came from long distances, many of them clear across the Nation and from foreign countries, to enjoy this sport on this great stream which can accommodate tens of thousands at one time for the enjoyment of fishing. These people are lured to the Klamath River mostly by the famed steelhead. This fishing is best from July on through to the first of November, before the fall rains, and during the driest part of the season, at the very time of the year when the greatest demand for the diversion of the waters would be made. If the waters of the Klamath River were dropped as much as 25 per cent it would be practically ruinous to this type of fishing and is certain to have a damaging effect upon the propagation of steelhead and salmon. This magnificent sport fishing area would be ruined. It would completely stultify that vast area.

Since we have been engaged in the war for so long a period, it is difficult now to present any figures as to what recreation on the Klamath and Trinity Rivers business means, but from figures that were kept prior to the entry into the war, there are some interesting and startling tabulations. There were registered in camps and parks adjacent to the Klamath River during the year 1935, 25,835 families, these families averaging three or four. In addition to this there are hundreds of people who have summer homes scattered along from the mouth to Copco Dam, and it would be no exaggeration to say that at least 100,000 people sought recreation on the Klamath in the year 1935. An interesting feature is that a check in the following year, June and July, 1936, showed an average total increase of 118 per cent, which would mean that the number who enjoyed the Klamath and Trinity River fishing during that year was well over 200,000 people. It is estimated that an investment in resorts and business houses from the mouth of the Klamath to Blue Creek, a distance of about 15 miles, amounting to \$729,300 produce an annual income of \$577,400. No doubt if it had not been for the war, this recreational industry would have been more than doubled by now, and unquestionably after the war when conditions have settled down, there will develop an industry of large proportions, employing many people and giving great opportunity for small business and other opportunities. We can not emphasize too strongly that the Klamath and Trinity area is destined, if left alone and the waters not taken away, to become one of the greatest recreation areas in the Union, not only bringing pleasure and recreation to hundreds of thousands, but splendid business opportunities and work for thousands. This not only affects the towns and resorts directly along the rivers, but it also affects the business lives of the towns along the Redwood Empire and over the Trinity Highway, over which most of these people must come to reach that great outdoor region. It is part of the economic life of all the counties and cities along the Redwood Empire, contributing much to their prosperity and advancement. This is particularly true of Eureka, which is the most sizeable town of the Klamath and Trinity region. The waters of these streams are our life blood, and the thing that makes the country, and to take it away is to destroy all possibility of future development in those areas. As actual evidence we refer you to the photographs of fishing just inside the mouth of the Klamath River and some about 10 miles up at Klamath Glen.

**INDUSTRIAL OPPORTUNITIES**—In addition to the great recreational and fishing importance of the Klamath and Trinity Rivers, there is another and a great potential business industry and development in those areas. Lying along the Klamath basin from its very mouth to Copco Dam is a tremendous forest containing an estimated 15,000,000,000 feet of timber which has been practically untouched, is in a virgin state and ready to be harvested. Much of it is still in the National Forest. The only practical means of taking the timber out of this rough country is by floating it down the Klamath and Trinity Rivers. This can not be done in flood times in the winter, but will have to be done in the summer and when it is possible to control the floating of the logs down stream. Under normal conditions the rivers are barely high enough to float the logs down. It is expected that in the flat country near the mouth of



the river there will be built many more moderate sized mills. Sawmills, veneer mills, battery mills, pulp and paper products mills, and chemical plants requiring wood for raw materials, and many other kinds of mills to produce wood products. It is a natural place for them. Klamath offers a cheap means of transportation for hundreds of miles up stream, and already some of the mills have been rafting the logs down stream for 25 miles or more. Rafting from far up the stream is possible and the floating of pulp wood is possible for practically the entire distance. This rafting is not continued in the winter time or when the streams are flooded, nor is it done when the water is too low. Consequently the period for floating is determined by the end of the flood season and period of low water in late summer. There is testimony to the effect that now in late summer there is barely enough water in the river to float the logs over the rapids. There is no doubt but what there will be a large scale timber product development on the Klamath River, and the only feasible way of taking timber out of the mountains to the mills is by floating them down the Klamath River. The terrain of the country is very rough, to build roads through much of this country is impossible and at least it would be tremendously expensive. This is an industry that will require the investment of millions of dollars for plants and equipment, and the employment of thousands of men in the mills and woods. There is no doubt that if not interfered with the lower Klamath River and the town of Klamath will in time be made a permanent wood conversion and mill center. The large scale development is still a matter for the future, and is certain to develop unless by the proposed diversion of the Klamath and Trinity Rivers the normal flow of the waters down Klamath River is interfered with. Certainly there can be no justification for taking away these waters and the destroying of such an industry as this, and the possibility of destroying the sporting life and recreation of those rivers. Why should this area be sacrificed for some other area that does not need the water, and even if it did, where is the justification? It is just a wrong assumption of power. The people who have pioneered in developing the vast area along and adjacent to the Klamath River have staked their fortunes and lives in many endeavors along and near the lower Klamath. They did so upon the assumption and with never a thought that some day their most essential and important natural resource would be taken away from them, namely the diversion of the Klamath and Trinity Rivers. Without the slightest doubt this area will develop in business, recreation and population far beyond anything that even its own people have visualized. But these diversions would stop it. What right has any man, or section, or group to stop this. Above all, what right, morally, legally or otherwise, has one section of our State for its benefit to take from another section those natural resources and advantages that God gave it? What right has an agency of the government to tell the people of this area that you can not hope for any future; that we will take what you have, your subsistence, hope, and future? That is what you propose. It is wrong and can not be sustained on any ground. To a man, over a hundred thousand people who live in this area are unalterably opposed to it, and additional hundreds of thousands who use those great rivers for recreational purposes, are opposed to it. This diversion must never happen.



## APPENDIX XXIII

**Summary Statement by Senator Collier Showing Need of Water in the Klamath River Watershed for the Beneficial Purposes of Agriculture, Fish and Wildlife, Lumbering, and Mining**

We find that there is a beneficial need of the waters of the Klamath Watershed in its basin for the following industries.

## (a) AGRICULTURE:

1. Sprague River and Upper Klamath Basin.
2. Modoc County.
3. Tulare Lake.
4. "J. & F." and "D" Ranches.

These make a total of 628,000 acres of land. I refer you to the report of the Klamath County Chamber of Commerce.

5. 60,000 acres of land in Butte Valley.

There will be at least 140 feet from the Klamath River into this valley. The electric power from the Butte Valley will soon be delivered to Klamath Falls, Oregon, and certainly the electric power for this project could be purchased from the Butte Valley source at one mill per kilowatt-hour. This is very feasible and there should be a development undertaken by the Bureau of Reclamation. The Bureau of Reclamation has done a very fine job in the river diversion around Klamath Falls, Oregon, and Tulelake, California.

6. In Judge Allen's report it is shown that there are more than 60,000 acres to be irrigated in Shasta Valley, Siskiyou County, California, around the town of Montague, Big Springs, Grenada district, and the town of Yreka and vicinity.

We recommend that the Bureau of Reclamation undertakes an investigation as to the feasibility of the diversion of the Shasta Valley area along with the feasibility of the diversion of the Butte County area.

## (b) FISH AND WILD LIFE

## 1. Sportsmen.

The following is a release of the California Fish and Game Commission as of February 5, 1945:

The following is a copy of the resolutions that the California Fish and Game Commission passed at its meeting in Sacramento on January 12, 1945:

Meeting in Sacramento, January 12, 1945, the California State Fish and Game Commission passed the following resolutions opposing the diversion of waters from the Klamath and Trinity Rivers:

WHEREAS, The United States Army Engineers are planning to divert all water from the Klamath River that rises above Spencer Creek into the Sacramento drainage through the Pit River; and

WHEREAS, Both the United States Army Engineers and the United States Bureau of Reclamation are planning to divert all water from the Trinity River above Fairview into the Sacramento River at Keswick; and

WHEREAS, In 1924 the people of the State of California adopted an initiative establishing the Klamath River District which prohibited for all time the construction or maintenance of any dam or

artificial construction in the Klamath River below the mouth of the Shasta River; and

WHEREAS, Such diversion of the waters of the Klamath River nullify the above initiative; and

WHEREAS, These diversions would adversely affect the productivity of the Klamath and Trinity Rivers in terms of fish life and would thereby destroy one of the principal recreational values of this area; and

WHEREAS, The Klamath and Trinity Rivers are one of the few remaining primitive recreational areas in this State; now, therefore, be it

*Resolved*, That the Fish and Game Commission of the State of California shall oppose such diversions of water from the Klamath and Trinity Rivers into the Sacramento watershed until such time as it has been demonstrated that such diversion is essential to the State of California; and be it further

*Resolved*, That copies of this resolution be sent to the Secretary of the Interior, United States Army Engineers, United States Bureau of Reclamation, all members of the United States Congress and all members of the State Legislature.

If the proposed diversion of waters came to pass, it would destroy some of the best fishing in this State. With the probable increase in population in California after the war, recreational areas will assume much greater importance than they hold even now. The Klamath and Trinity River drainages include some of the finest recreational possibilities in this State, if not on the West Coast, and their value in terms of recreational possibilities in this State, if not on the West Coast, and their value in terms of recreation will be far greater to the State than will be the value of the power that will be generated from their diverted waters.

The following is a letter and statements furnished the committee by Mr. A. C. Taft, Chief, Bureau of Fish Conservation of the California Division of Fish and Game:

February 13, 1945

*Senator Randolph Collier*  
*Yreka, California*

DEAR SENATOR COLLIER: As you requested, I am sending you herewith our estimate of the amount of fish taken and the number of fishermen participating in the angling on the Klamath River during the last prewar year for which figures are available, e.g. 1941.

There are no satisfactory data available as to the total value of the business directly or indirectly resulting from the recreational fishing on the Klamath.

Through a questionnaire sent by the California Division of Fish and Game to approximately 10 per cent of the licensed anglers in the State the following data as to the number of anglers and the fish caught by them in the Klamath River and tributaries, *exclusive* of the Trinity, are available for the year 1941.

TABLE I

Estimated catch of salmon and trout by legal anglers in the Klamath River System in California, *excluding* the Trinity River drainage, based on the year 1941

Number of Anglers 9,000	Licensed Anglers		Number of Fish Caught 666,000
	Number of Fish Caught 64,000	Number of Anglers 12,800	
	Legal Unlicensed Anglers (Persons Under 18)		
500	2,000	1,900	76,000
9,500	66,000	14,700	742,000

NOTE: Figures for anglers are not mutually exclusive by species; i.e., anglers catching both salmon and trout are included in each total. It is estimated that the true total of individual licensees fishing for trout and salmon, after eliminating all such duplications, is 16,000 and of legal unlicensed anglers 1,900.

There are no duplications in figures for numbers of fish caught.

Table II which follows is designed to show the ration between resident and out-of-county anglers for all watersheds in the three counties in which the Klamath lies and the relationship should be very nearly the same for the Klamath if it could be taken separately. Approximately two out of three anglers came from outside the counties named above.

TABLE II

Total number of resident angling licensees in Del Norte, Humboldt and Siskiyou Counties, by actual count. Compared with estimated numbers of anglers catching salmon and trout in those counties. Based on the year 1941

County	Number of resident angling licensees in the county by actual count	Estimated number of anglers catching salmon and trout in the county
Del Norte -----	579	8,400
Humboldt -----	5,418	11,200
Siskiyou -----	4,050	8,340
	10,047	27,940

NOTE: This comparison includes all watersheds in each county. However, the ration between resident and out-of-county anglers on the Klamath River System should be very nearly the same, and it is believed that approximately two out of every three anglers on the Klamath River System come from outside the counties through which it flows.

For purposes of evaluation if it is assumed that each out-of-county angler spends a two weeks vacation in the Klamath area and that local anglers spend an equivalent time in more frequent trips of shorter duration and each individual spent on an average \$200, the conservative figure of \$3,200,000 is obtained for the value of the annual pre-war recreational angling on the Klamath River.

Yours very truly,

(signed)

A. C. TAFT

Chief, Bureau of Fish Conservation

Practically all fish and game groups are against this proposed diversion and we quote herewith the following telegram from H. Clyde Amesbury, President of the Northern California Sportsmen's Association.

"The Northern California Sportsmen's Association strongly oppose the diversion of Klamath River water to Pit watershed.



We can see no reason for such action when so many areas capable of storing water are undeveloped in Sacramento Basin.

California will as time passes have reason to place a much higher value on recreational resources of Klamath Basin. To a certain extent, the necessity for additional water may be met by substitution among several possibilities. If the Klamath is ruined, there is no substitute. If the stream flow below the Copeo is stabilized, we could anticipate that the stream would be restored to its original capabilities of fish production for both sport and food.

To divert the Klamath would betray the men in our fighting forces and generations of Californians yet unborn."

In 1924 there was submitted by the initiative and approved by electors on November 4, 1924, and became effective December 17, 1924, the following initiative act.

*"Initiative act to create the Klamath River Fish and Game District, and prohibit the construction or maintenance of any dam or other artificial obstruction in the waters of said district, provide penalties and declare such obstructions a public nuisance.*

*"The people of the State of California do enact as follows:*

"SECTION 1. The Klamath River Fish and Game District is hereby created and shall consist of the Klamath River and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in the County of Siskiyou to the mouth of the Klamath River in Del Norte County.

"SEC. 2. Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars (\$500) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance." (Page xciii, Statutes 1925.)

The above and foregoing show that the sportsmen of California do not in any way wish the waters of the Klamath River Watershed to be diverted because they feel that any one of the three schemes presented by the Corps of Army Engineers would be detrimental and disastrous to the fish life of said stream forever. The people of California have taken a personal interest in the Klamath River and believe that it should be set aside forever as a recreational and fishing stream for the people.

I think that the committee in its hearings have found conclusively that this would be the case.

In the hearings of the committee it was shown that the building of dams on the Sacramento River and the Klamath River and in the diversion of the proposed minimum of 600 cubic feet per second of the waters of the Klamath that it would be very disastrous to the commercial fishing on the Pacific Coast of California. It was first shown that approximately one-half of the commercial salmon caught off the California



Pacific Coast were raised in the Sacramento River and one-half were raised in the Klamath River. It was shown that if it was not for the commercial salmon there would not be any commercial fishing off the California Pacific coast, for the reason that the commercial fisher depends on the salmon for his livelihood and the other fish caught are only incidental to his purpose. It would mean that the commercial fishing business up the California Pacific Coast as an industry would be gone forever from California. The CIO is out to protect the commercial fishing industry by taking a very definite and positive stand against the building of the Table Mountain Dam on the Sacramento River and the three schemes for the diversion and building of dams on the Klamath River Watershed for the reason that they believe that commercial fishing will be destroyed forever. The following figures are presented herewith to show the value of the commercial catch of salmon on the Klamath River for the year prior to 1934 when it was closed forever but these figures are not the figures for the commercial catch off the California Pacific Coast.

Year	Pounds	Year	Pounds
1916 -----	801,150	1925 -----	956,082
1917 -----	265,537	1926 -----	811,714
1918 -----	672,345	1927 -----	408,081
1919 -----	535,198	1928 -----	308,826
1920 -----	872,295	1929 -----	321,502
1921 -----	614,247	1930 -----	622,129
1922 -----	1,039,580	1931 -----	666,299
1923 -----	824,291	1932 -----	649,940
1924 -----	814,572	1933 -----	405,663

#### (c) LUMBERING

For many years the waters of the Klamath have been used to transport logs by floating them downstream to mills for the production of lumber. Lumber at this time is one of the critical needs. There have been seven new mills put into operation on the lower Klamath. The logs for these mills come to them by being floated downstream.

#### (d) MINING

The committee heard from Walter W. Bradley, State Mineralogist, and he has supplied the following information to the committee:

Figures on employment in the accompanying table are from the census of 1940, and represent direct employment only. Our Bulletin 130, "Economic Mineral Resources and Production in California; A Survey With Reference to Postwar Employment," by Samuel H. Dolbear and others, now in the hands of the State Printer, shows that a dependency factor of 2.735 applies to all industry in California. Using this factor, *we find that in 1940 in Del Norte, Humboldt, Siskiyou, and Trinity Counties, 4,141 persons were directly dependent on mining, including the miners themselves.* If you want to go still further and estimate the number both directly and indirectly dependent on mining, you can double this last figure, because 50 per cent of the population of the United States is indirectly dependent on the primary industries. This would include retailers, barbers, and other such service industries.

Gold mining would be more adversely affected than any other type of mining by any decrease in the flow of the Klamath and Trinity Rivers. Hence figures on gold-production have been kept separate in the attached table. Winter flood-waters are needed to transport the tailing down the rivers, and a large flow is desirable in summer to reduce turbidity to amounts allowed by law. Numbers of laws relating to this matter follow:

DEFINITION OF TRINITY AND KLAMATH RIVER FISH AND GAME DISTRICTS.  
Fish and Game Code, Section 97.

Prohibiting hydraulic mining in above district between July 1st and Nov. 30th, and fixing allowable turbidity at a point one mile below the confluence of the Klamath River and the Salmon River or at a point one mile below the confluence of the South Fork of the Trinity River and the Trinity River at 50 parts per million.

Fish and Game Code, Section 482

(Signed)

WALTER W. BRADLEY, State Mineralogist

County	Gold production	Production Other minerals	No. of persons employed	List of minerals other than gold produced
Del Norte -----	\$1,750	\$22,939	26	Chromite, platinum, silver, miscellaneous stone.
Humboldt -----	20,685	112,905	79	Brick, natural gas, chromite, clay, miscellaneous stone, silver.
Siskiyou -----	2,068,815	150,388	899	Copper, mineral water, platinum, pumice, silver, scoria, miscellaneous stone.
Trinity -----	1,730,155	42,172	510	Chromite, copper, lead, coal, manganese ore, platinum, quicksilver, silver, miscellaneous stone.
Totals -----	\$3,821,405 328,404	\$328,404	1,514	
\$4,149,809 — value of minerals in Klamath River watershed in California.				

Gold mining has been the principal industry in the Klamath and Trinity River Districts in Siskiyou and Trinity Counties for over 65 years. Constant improvement in mining methods and particularly the development of dragline dredges, bulldozers, carryalls and diesel power, together with the increase in the price of gold, has made it profitable to rework old tailings and smaller and lower grade deposits. Gold production was at an annual rate of more than \$3,800,000 when the dredges were closed by government order L-208 in 1942, in spite of the fact that they were compelled to shut down during the dry season from July 1st, to November 30th, of each year by the Fish and Game Code, Section 482.

Large areas on both sides of the Klamath and Trinity Rivers are still unmapped geologically and they have scarcely been explored or prospected. Deposits of copper, chromite, gold quartz, graphite, manganese, quicksilver, iron ores, etc. await access roads, electric power and development of Pacific Coast markets.

Mining can and will continue to be a very important industry, giving employment to increasing numbers of men.

Any diversion of the Klamath or Trinity Rivers from their present natural channels will almost surely shut down the hydraulic and dredging properties and it will certainly jeopardize the development of the mineral deposits which are such an important natural resource in this area.

ADJOURNMENT

At 5.34 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, June 5, 1945.

JOHN F. LEA, Minute Clerk

**CALIFORNIA LEGISLATURE**

**FIFTY-SIXTH SESSION**

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# **SENATE DAILY JOURNAL**

**EIGHTY-SEVENTH LEGISLATIVE DAY**

**ONE HUNDRED FORTY-NINTH CALENDAR DAY**

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## **IN SENATE**

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**SENATE CHAMBER, SACRAMENTO**

**Tuesday, June 5, 1945**

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### **ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

### **PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Deuel, on motion of Senator Mayo account of illness.

### **GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harold M. Hyatt of Sacramento.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, June 4, 1945

*To the Honorable Members of the Senate,  
State of California  
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 64, entitled: "An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class."

My objections to this bill are as follows:

This bill is a county government bill increasing the salaries of certain county officers in counties of the thirteenth class (Tulare County). It duplicates the provisions of Senate Bill No. 703 which included this county among several others. The author of this bill advises me that it was passed inadvertently and that there is no purpose to be served by permitting it to become law.

I am accordingly returning it without my approval.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 64 ordered placed on unfinished business file.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 578

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 578**—An act to amend Section 12500 of the Health and Safety Code, relating to fireworks.

Referred to Committee on Public Health and Safety.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1181

Senate Bill No. 1291

Senate Bill No. 1279

Senate Concurrent Resolution No. 27

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 557

Senate Bill No. 615

Senate Bill No. 479

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1629

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.



## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 1.42 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 3, line 3, of the printed bill, strike out " ; and or an act entitled".

**Amendment No. 2**

On page 3 of the printed bill, strike out lines 4 to 17, inclusive.

**Amendment No. 3**

On page 3, line 18, of the printed bill, strike out "approved in 1945".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 1297**—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 139**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved

by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 886**—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 600**—An act to extend the effective date of an act entitled, "An act relating to the performance of the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved February 10, 1943, and making an appropriation for the further administration thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 973**—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State Treasury in connection therewith.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 974**—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 975**—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 288**—An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 363**—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1898**—An act to add Section 10003 to Part 1 of Division 6 of the Water Code, relating to the appropriation of water and priorities thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1758**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisalment by guardians.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 91**—An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1991**—An act to add Section 18676.5 to the Business and Professions Code, relating to boxing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 154**—An act to amend Section 42.4 of the County Employees Retirement Act of 1937, relating to county retirement associations, and providing for the inclusion of superior court phonographic reporters therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 16**—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 88**—An act to amend Section 737dd of the Political Code, relating to the salaries of the judges of the Superior Court of Orange County.

Bill read second time, and ordered to third reading.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.50 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

Resolution read.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Weybret moved a call of the Senate.

Motion carried. Time, 1.56 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 1.59 p.m., on motion of Senator Weybret, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 351**—An act to add Article 4.5 to Chapter 9 of Division 2 of the Education Code, relating to the annexation of elementary school districts to union or joint union elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Donnelly, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Swing, Tenney, and Weybret—22.

NOES—Senators Collier, Crittenden, Desmond, Dorsey, Hatfield, Jespersen, Judah, McBride, Powers, Quinn, and Slater—11.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1213**—An act to amend Section 737hh of the Political Code, relating to the salaries of the judges of the Superior Court in the County of Sacramento.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1209**—An act to amend Sections 19561, 19620, and 19627 of, and to add Sections 19490 and 19539 to, the Business and Professions Code, relating to horse racing and harness racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 576**—An act to amend Sections 19561, 19620, and 19627 of, and to add Sections 19490 and 19539 to, the Business and Professions Code, relating to horse racing and harness racing.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 608 was taken up.

**Senate Bill No. 608**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1279**—An act to amend Section 21 of the Agricultural Code, Sections 151 and 10055 of the Business and Professions Code, Section 10204 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, and Section 10 of the Public Utilities Act, relating to State officers, their qualifications and salaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Collier, Crittenden, DeLap, Fletcher, Gordon, Hulse, Keating, Kuchel, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—22.

**NOES**—Senators Carter, Cunningham, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Judah, and Shelley—9.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 1181**—An act to amend Sections 178, 188, 333, 415, 417, 432, 434, and 510 and to repeal Sections 179, 184, 185, 186, 190, 191, and 192, of the Military and Veteran's Code, relating to military property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swing, Ward, and Weybret—31.

**NOES**—Senator Quinn—1.

## Motion to Amend Title

Senator Rich moved the adoption of the following amendment:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "417, 432,".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Senate Bill No. 44**—An act to amend Section 44.1 of the Vehicle Code, relating to privately owned authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 268**—An act to add Article 5a, comprising Sections 933 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 331**—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 154**—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1291**—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 381**—An act to add Sections 13443, 13444, 13445, and 13446 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.



## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—24.

NOES—Senators Breed, Carter, Cunningham, DeLap, Desmond, Donnelly, Jespersen, Keating, Mayo, Salsman, Shelley, and Tenney—12.

Bill ordered transmitted to the Assembly.

## COMMUNICATIONS

The following communications were received, and on motion of Senator Fletcher, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 2, 1945

*Honorable Ralph E. Swing, Member of the Senate*

*Senate Chambers, State Capitol  
Sacramento, California*

DEAR SENATOR: I have your letter of May 2, 1945, with which you enclose to me a copy of re-drafted amendments to Senate Bill No. 625.

I think these should be introduced in the manner agreed to yesterday. I think that the fund should be called "The Post-War Unemployment and Construction Fund."

Based on our understanding of yesterday I issued my press releases which were perused by you or the members of your group before they were released. I think it would be a mistake to change at this time.

You will recall that the proposed amendments as originally submitted to me referred to the fund as "The Special Post-War Unemployment Fund." It was my thought that inasmuch as construction would probably play so large a part in the use of the fund, it should be named "The Post-War Unemployment and Construction Fund." Certainly the prime purport of the fund is the alleviation of unemployment and not merely construction. I therefore think that to properly express this, the name should be retained as agreed to yesterday.

The proposed amendments handed to me without the change which has been made in ink set forth my understanding, and in that form are satisfactory to me.

Sincerely,

EARL WARREN, Governor

SENATE CHAMBER, RALPH E. SWING

SACRAMENTO, May 3, 1945

*To the Members of the Senate*

In Re: Senate Bill No. 625

GENTLEMEN: During the last few days the authors of Senate Bill No. 625 have had a number of conferences with the Governor and with Members of the Senate and Assembly relative to a program which will carry into effect the Governor's plan for tax reduction, and which also makes available for appropriation by the Legislature the sum of \$90,000,000 to alleviate unemployment in all parts of the State. Inasmuch as the proposed program involves substantial changes in Senate Bill No. 625, we feel

that it is but fair that you have before you the substance of our understanding of the program which has been tentatively agreed to. This program, as we understand it, is in substance as follows:

The members who participated in such conferences agreed they would cooperate in the enacting of legislation which will carry into effect the proposed tax reductions recommended by the Governor; also that Senate Bill No. 625 will be amended by striking out all of the material provisions of the bill and insert in lieu thereof language substantially as follows:

The sum of ninety million dollars (\$90,000,000) out of unappropriated moneys in the State Treasury is hereby set aside and transferred in the State Treasury to the Postwar Unemployment and Construction Fund, which fund is hereby created and established. No money shall be expended from or withdrawn from said fund except and only when appropriated by the Legislature for public works projects and public improvements which will provide employment of citizens released from the armed forces following the cessation of war, and which public works projects and public improvements will create employment in various parts of the State and thus prevent and alleviate unemployment in all parts of the State.

The Legislature shall have the exclusive power to allocate, appropriate and provide for the expenditure of all or any part of the fund hereby created for any public works projects or public improvements in which the State shall have an interest, and will aid in preventing or alleviating unemployment in all parts of the State following the cessation of the war.

The language in the bill expresses the broad purposes for which the money may be used, but the specific purposes and projects will be determined by the Legislature at the time the money is actually allocated and appropriated.

There are no strings attached to the money set up in said fund and all of it can be used for any public works project in any part of the State, either within or without the incorporated area of any county, so long as it is within the scope of the language used in the bill and approved by the Legislature.

The Governor stated in the event a special session of the Legislature is called to appropriate money for public works projects or public construction to meet postwar conditions, he will so word the special call that it will be broad enough in its scope to permit allocations and appropriations from the fund created and set up under the amended Senate Bill No. 625. To use his language, he said, "I will throw the door wide open."

We believe that this is a very satisfactory solution of the controversial subjects which are pending before the Legislature.

We believe the carrying out of this program will result in a continuation of the harmonious relations which have at all times prevailed between the Legislature and the Chief Executive.

Respectfully,

RALPH E. SWING  
BEN HULSE  
GEO. E. HATFIELD

#### MOTION TO RETAIN PLACE ON FILE

Senator Rich moved that Senate Constitutional Amendment No. 11 retain its place on file.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1092**—An act to amend Section 11 and Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 480**—An act to add Article 4.5 to Chapter 5 of Division 9 of the Education Code, relating to the exchange of property by school districts of the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 1, 1945

Mr. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 43**—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in, and that the bill, as amended on May 2, 1945, be further amended as follows:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "to 737z, inclusive, 737aa to 737zz," and insert "737d, 737g, 737h, 737j, 737l, 737m, 737n, 737o, 737p, 737q, 737r, 737s, 737u, 737v, 737w, 737y, 737z, 737aa to 737nn, inclusive, 737pp to 737yy".

##### Amendment No. 2

On page 2 of said bill, strike out lines 1 to 8 inclusive; and in line 9, strike out "SEC. 5," and insert "SEC. 3."

##### Amendment No. 3

On page 2 of said bill, strike out lines 13 to 20 inclusive; and in line 21, strike out "SEC. 8," and insert "SEC. 4."

##### Amendment No. 4

On page 2, line 25 of said bill, strike out "SEC. 9," and insert "SEC. 5."

##### Amendment No. 5

On page 2 of said bill, strike out lines 29 to 32, inclusive; and in line 33, strike out "SEC. 11," and insert "SEC. 6."

##### Amendment No. 6

On page 2, lines 35 and 36, of said bill, strike out "nine thousand dollars (\$9,000)", and insert "eight thousand dollars (\$8,000)".

##### Amendment No. 7

On page 2 of said bill, strike out lines 37 to 40, inclusive; and in line 41, strike out "SEC. 13," and insert "SEC. 7."

##### Amendment No. 8

On page 2, line 45, of said bill, strike out "SEC. 14," and insert "SEC. 8."

##### Amendment No. 9

On page 2, line 49, of said bill, strike out "SEC. 15," and insert "SEC. 9."

##### Amendment No. 10

On page 2, lines 51 and 52, of said bill, strike out "seven thousand dollars (\$7,000)", and insert "six thousand dollars (\$6,000)".

##### Amendment No. 11

On page 3, line 1 of said bill, strike out "SEC. 16," and insert "SEC. 10."

**Amendment No. 12**

On page 3, line 5, of said bill, strike out "SEC. 17.", and insert "SEC. 11."

**Amendment No. 12a**

On page 3, lines 7 and 8, of the printed bill, as amended, strike out "seven thousand five hundred dollars (\$7,500).", and insert "eight thousand dollars (\$8,000).".

**Amendment No. 13**

On page 3, line 9, of said bill, strike out "SEC. 18.", and insert "SEC. 12."

**Amendment No. 14**

On page 3, line 13, of said bill, strike out "SEC. 19.", and insert "SEC. 13."

**Amendment No. 14a**

On page 3, lines 15 and 16 of said bill, strike out "six thousand three hundred dollars (\$6,300)", and insert "seven thousand dollars (\$7,000)".

**Amendment No. 14b**

On page 3, lines 43 and 44 of said bill, strike out "six thousand five hundred dollars (\$6,500)", and insert "seven thousand dollars (\$7,000)".

**Amendment No. 15**

On page 3, line 17, of said bill, strike out "SEC. 20.", and insert "SEC. 14."

**Amendment No. 16**

On page 3, of said bill, strike out lines 21 and 24, inclusive; and in line 25 strike out "SEC. 22.", and insert "SEC. 15."

**Amendment No. 17**

On page 3, line 29, of said bill, strike out "SEC. 23.", and insert "SEC. 16."

**Amendment No. 18**

On page 3, line 33, of said bill, strike out "SEC. 24.", and insert "SEC. 17."

**Amendment No. 19**

On page 3 of said bill, strike out lines 37 to 40, inclusive; and in line 41, strike out "SEC. 26.", and insert "SEC. 18."

**Amendment No. 20**

On page 3, line 45, of said bill, strike out "SEC. 27.", and insert "SEC. 19."

**Amendment No. 21**

On page 3, line 49, of said bill, strike out "SEC. 28.", and insert "SEC. 20."

**Amendment No. 22**

On page 4, line 1, of said bill, strike out "SEC. 29.", and insert "SEC. 21."

**Amendment No. 23**

On page 4, line 5, of said bill, strike out "SEC. 30.", and insert "SEC. 22."

**Amendment No. 24**

On page 4, line 9, of said bill, strike out "SEC. 31.", and insert "SEC. 23."

**Amendment No. 25**

On page 4, line 13, of said bill, strike out "SEC. 32.", and insert "SEC. 24."

**Amendment No. 26**

On page 4, line 17, of said bill, strike out "SEC. 33.", and insert "SEC. 25."

**Amendment No. 27**

On page 4, line 21, of said bill, strike out "SEC. 34.", and insert "SEC. 26."

**Amendment No. 28**

On page 4, line 25, of said bill, strike out "SEC. 35.", and insert "SEC. 27."

**Amendment No. 29**

On page 4, line 28, of said bill, strike out "five hundred dollars (\$10,500)", and insert "dollars (\$10,000)".



**Amendment No. 30**

On page 4, line 29, of said bill, strike out "SEC. 36.", and insert "SEC. 28."

**Amendment No. 31**

On page 4, line 33, of said bill, strike out "SEC. 37.", and insert "SEC. 29."

**Amendment No. 32**

On page 4, line 37, of said bill, strike out "SEC. 38.", and insert "SEC. 30."

**Amendment No. 33**

On page 4, line 41, of said bill, strike out "SEC. 39.", and insert "SEC. 31."

**Amendment No. 34**

On page 4, line 45, of said bill, strike out "SEC. 40.", and insert "SEC. 32."

**Amendment No. 35**

On page 4, line 49, of said bill, strike out "SEC. 41.", and insert "SEC. 33."

**Amendment No. 36**

On page 5 of said bill, strike out lines 2 to 5, inclusive; and in line 6, strike out "SEC. 43.", and insert "SEC. 34."

**Amendment No. 37**

On page 5, line 10, of said bill, strike out "SEC. 44.", and insert "SEC. 35."

**Amendment No. 38**

On page 5, line 14, of said bill, strike out "SEC. 45.", and insert "SEC. 36."

**Amendment No. 39**

On page 5, line 18, of said bill, strike out "SEC. 46.", and insert "SEC. 37."

**Amendment No. 40**

On page 5 of said bill, strike out line 22, and insert "SEC. 38. Section 737tt of said code is amended to read:"

**Amendment No. 41**

On page 5, line 26, of said bill, strike out "SEC. 48.", and insert "SEC. 39."

**Amendment No. 42**

On page 5, line 30, of said bill, strike out "SEC. 49.", and insert "SEC. 40."

**Amendment No. 43**

On page 5, line 34, of said bill, strike out "SEC. 50.", and insert "SEC. 41."

**Amendment No. 44**

On page 5, line 38, of said bill, strike out "SEC. 51.", and insert "SEC. 42."

**Amendment No. 45**

On page 5 of said bill, lines 40 and 41, strike out "eight thousand dollars (\$8,000)", and insert "seven thousand two hundred dollars (\$7,200)".

**Amendment No. 46**

On page 5, line 42, of said bill, strike out "SEC. 52.", and insert "SEC. 43."

**Amendment No. 47**

On page 5 of said bill, strike out lines 46 to 49, inclusive; and on page 6, line 1, strike out "SEC. 54." and insert "SEC. 44."

**Amendment No. 48**

On page 6, line 5, of said bill, strike out "SEC. 55.", and insert "SEC. 45."

**Amendment No. 49**

On page 6, line 9, of said bill, strike out "SEC. 56.", and insert "SEC. 46."

**Amendment No. 50**

On page 6, line 13, of said bill, strike out "SEC. 57.", and insert "SEC. 47."

**Amendment No. 51**

On page 6, line 17, of said bill, strike out "SEC. 58.", and insert "SEC. 48."

**Amendment No. 52**

On page 6, line 21, of said bill, strike out "SEC. 59.", and insert "SEC. 49."

SWING  
KUCHEL  
COLLIER

CALL  
SAM L. COLLINS  
O'DAY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Conference concerning:

**Assembly Bill No. 191**—An act to add Sections 3088.5 and 3475 to the Welfare and Institutions Code, relating to aid to the blind, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 18, 1945, be further amended as follows:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, after "spouse", insert ", parent,".

**Amendment No. 2**

On page 1, line 6, of said bill, after "ent", insert "of aid under this chapter".

**Amendment No. 3**

On page 1, line 6, of said bill, strike out "similar".

**Amendment No. 4**

On page 1 of said bill, strike out line 7.

**Amendment No. 5**

On page 2, line 4, of said bill, after "granted," insert "or in the manner prescribed by the State Department of Social Welfare,".

**Amendment No. 6**

On page 2, line 6, of said bill, after "spouse", insert ", parent,".

**Amendment No. 7**

On page 2, line 7, of said bill, after "ent", insert "of aid under this chapter".

**Amendment No. 8**

On page 2, line 7, of said bill, strike out "similar".

**Amendment No. 9**

On page 2 of said bill, strike out line 8.

**Amendment No. 10**

On page 2, line 18, of said bill, strike out "of any established and unmet need".

**Amendment No. 11**

On page 2 of said bill, strike out line 19 and insert "that the net income of the applicant or recipient does not exceed the maximum net income from all other sources as provided in Section 3472 of this Code,".

**Amendment No. 12**

On page 2, line 22, of said bill, after "granted," insert "or in the manner prescribed by the State Department of Social Welfare,".

**Amendment No. 13**

On page 2, line 22, of said bill, after "therefor", insert a period.

**Amendment No. 14**

On page 2 of said bill, after line 22, insert

"The State shall not withhold payments to a county because of the county's failure or inability to collect contributions, but the State shall refer such cases to the Attorney General for such action as he deems necessary."

GORDON  
BROWN  
JESPERSEN

Senate Committee on Conference

CROWLEY  
DOYLE  
LOWREY

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Secretary J. A. Beek at the Desk

**REQUEST FOR UNANIMOUS CONSENT**

Senator Tenney asked for, and was granted, unanimous consent to have Assembly Bill No. 392 passed on file, and retain its place on file.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Senate Bill No. 850 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Quinn moved that Senate Bill No. 48 be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 527**—An act to amend Section 2800 of the Health and Safety Code, relating to pest abatement.

Bill read third time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 2800", and insert "Sections 2800 and 2901".

**Amendment No. 2**

In line 2 of the title of said bill, after "abatement", insert "districts".

**Amendment No. 3**

On page 1 of said bill, after line 10, insert

"Sec. 2. Section 2901 of said code is amended to read:

2901. At any time after the incorporation of a district upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district.

*If it shall be made to appear to the board of supervisors that public necessity or welfare requires that land contiguous to a district be annexed thereto, the board of supervisors may adopt a resolution stating their intention to annex such territory. Such resolution shall describe the boundaries of the area proposed to be annexed and shall, so far as practicable, contain all matters of fact and finding required upon proceedings for the formation of a district and shall set a time and place at which the board will consider the annexation of such area, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Seawell:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the Contingent Expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Respectfully submitted.

SENATOR SEAWELL

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 5, 1945

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Finance.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1307:** By Senator Seawell—An act making an appropriation for the Contingent Expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Referred to Committee on Finance.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 777  
Assembly Bill No. 848  
Assembly Bill No. 896  
Assembly Bill No. 1038  
Assembly Bill No. 1116

Assembly Bill No. 1376  
Assembly Bill No. 1605  
Assembly Bill No. 1606  
Assembly Bill No. 969

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 777**—An act to amend Section 1 of "An act providing that revenues, rents and proceeds from lands within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund, and making an appropriation," approved June 8, 1943, relating to disbursement of revenues, rents, and proceeds received by the Reclamation Board.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 848**—An act making an appropriation for the support of the Youth Authority, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 896**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Manufacturing Fund, making an appropriation, and declaring the urgency thereof.

Referred to Committee on Finance.

**Assembly Bill No. 1038**—An act to provide for research on diseases of agricultural plants and animals and to make an appropriation therefor, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1116**—An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Water Resources.

**Assembly Bill No. 1376**—An act making an appropriation to the Department of Industrial Relations for apprenticeship training, to take effect immediately.

Referred to Committee on Labor.

**Assembly Bill No. 1605**—An act making an appropriation to the revolving fund for State purchases.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1606**—An act making an appropriation to the Department of Finance for administrative expenses incurred in procuring surplus war property.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 969**—An act making an appropriation for repairs and improvements to Sea Cliff Beach, to take effect immediately.

Referred to Committee on Natural Resources.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 61

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 43**—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 11

Assembly Bill No. 1430

Assembly Bill No. 490

Assembly Bill No. 2042

Assembly Bill No. 1172

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 83

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1226

Assembly Bill No. 1075

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 1075**—An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1226**—An act making an appropriation to the Division of Water Resources, Department of Public Works, for dredging in connection with Mission Bay Park, to take effect immediately.

Referred to Committee on Water Resources.

## WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 986

Senator Tenney moved that Assembly Bill No. 986 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Assembly Bill No. 986**—An act to add Section 2182.01 to the Welfare and Institutions Code, relating to aid to the aged, and requiring prompt county compliance with the orders of the State Social Welfare Board.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "2182.01", and insert "104.6".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "aid to the aged", and insert "public assistance".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2182.01", and insert "104.6".

**Amendment No. 4**

On page 1, line 3, of said bill, strike out "2182.01.", and insert "104.6."

**Amendment No. 5**

On page 1, line 5, of said bill, after "supervisors", insert "in respect to aid to the aged, aid to the blind, and aid to needy children".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1027**—An act to amend Sections 30c, 30h and 30j of the Bank Act, relating to the disposal of unclaimed contents of safe-deposit boxes and unclaimed items of personal property left with banks for safe keeping.

Bill read second time.

**Motion to Amend**

Senator Cunningham moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out "officers", and insert "persons".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 884**

Senator Carter moved that Senate Bill No. 884 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 884**—An act to provide a retirement system for members of regularly organized fire departments, establishing a Firemen's Retirement Fund, providing for contributions thereto by governmental agencies employing members of the system, and by the State, and making an appropriation.

Bill read second time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 13, of the printed bill, after "city," insert "county fire protection district,".

**Amendment No. 2**

On page 2, line 10, of said bill, strike out "one hundred dollars (\$100)", and insert "thirty dollars (\$30)".

**Amendment No. 3**

On page 3 of said bill, between lines 39 and 40, insert  
"SEC. 10.1. Nothing in Section 10 shall prevent participation in this system by a public agency all or any of whose firemen are members of any other retirement system. Where any public agency contracts with this system pursuant to Section 9 to make all or any portion of its firemen members of this system, any amounts held by such other system on account of firemen who become members of this system shall be transferred to this system as of the effective date of the contract, and shall be credited to the contracting agency and the member in the proportion that each contributed to those amounts. Any surplus of any such transferred amount over the liabilities of this system in respect to such member based upon service rendered by him prior to the effective date of the contract shall be refunded to the member."

**Amendment No. 4**

On page 3, line 42, of said bill, strike out "or (c)", and insert "(c) termination of status as volunteer fireman other than by employment as a fireman for compensation; or (d)".

**Amendment No. 5**

On page 4, line 3, of said bill, after "of the", insert "average".

**Amendment No. 6**

On page 4 of said bill, strike out line 4, and insert "earnable by him during the three-year period immediately prior to his".

**Amendment No. 7**

On page 4, lines 10 and 11, of said bill, strike out "salary which he was receiving as a fireman", and insert "average salary earnable by him during the three-year period".

**Amendment No. 8**

On page 4, line 14, of said bill, strike out "permanently".

**Amendment No. 9**

On page 4, line 15, of said bill, after "fireman", insert "for an extended and uncertain period and is not eligible for retirement for service".

**Amendment No. 10**

On page 4 of said bill, strike out lines 23 to 36, inclusive, and insert  
"SEC. 16. Every member who is retired for disability shall receive a disability retirement allowance equal to one-half of the salary earnable by him immediately prior to his retirement, which shall be payable during such incapacity for the remainder of his life, or until his recovery. If such disability resulted from injury or disease arising out of and in the course of his employment, upon the death of the member his disability retirement allowance shall continue to be paid to his surviving wife as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains age 18."

**Amendment No. 11**

On page 4 of said bill, between lines 42 and 43, insert  
"SEC. 18. (a) Any benefit payable by this system because of the death or retirement of any member as a result of any injury or illness arising out of and in course of employment shall be reduced in the manner hereinafter provided by the amounts



of any benefits other than medical benefits payable to, or on account of, such member under any workmen's compensation law of the State of California because of death or disability resulting in retirement.

(b) If benefits under any workmen's compensation law run concurrently with the benefits hereunder and are due to the beneficiary in payments which are equal to, or less than, the benefits payable by this system, then the benefits payable by this system shall be reduced each month by the amount of said benefit, so due said month, and the beneficiary shall have no more right to such reduction than if this retirement system had never existed.

(c) If benefits under any workmen's compensation law run concurrently with benefits hereunder, and are due to the beneficiary in payments which are greater than the benefits payable by this system, then the benefits payable by this system shall be withheld until the total of the amounts so withheld equals the total of said benefits paid, and the beneficiary shall have no more right to the amounts withheld, than if this retirement system had never existed.

(d) It is the purpose of the foregoing provisions to reduce the benefits payable under this act by the amounts of benefits, other than medical benefits, due to the beneficiary concurrently with, such benefits under any workmen's compensation law, and the payment before due date by the commutation (through compromise or otherwise), of such workmen's compensation benefits, shall not prevent the reduction of benefits payable under this act in the amounts which would have been payable concurrently with the benefits payable under this act in the absence of such commutation regardless of the person receiving such payments.

(e) If any benefits other than medical benefits have been paid under any workmen's compensation law because of a permanent disability concurrently with payments of wages or salary, to said beneficiary, then payment of benefits payable under this act shall be withheld until the total of the amounts so withheld shall equal the total of such benefits paid because of the permanent disability, and the beneficiary shall have no more rights to such amounts withheld than if this retirement system had never existed. Benefits which are payable for time during which the salary is not paid and prior to the date benefits become payable under this act shall not be considered hereunder.

SEC. 19. As used in this act, "State Fund" means the State Compensation Insurance Fund.

SEC. 20. If benefits are payable under this act because of an injury to or the death of a member and such injury or death is the proximate consequence of the act of a person other than his employer, the board may on behalf of this system recover from such person an amount which is the actuarial equivalent of the benefits which are provided by this system and for which this system is liable because of such injury or death.

SEC. 21. The board may contract with the State Fund for the recovery by the State Fund on behalf of this system of any amounts which the board might recover from third persons under this act, or Chapter 5, Part 1, Division 4 of the Labor Code, or which an insurer might recover under Section 11662 of the Insurance Code, or otherwise.

SEC. 22. Under such contract, the State Fund, in its own name or in the name of the board, may, to recover such amounts, commence and prosecute actions, file liens, or intervene in court proceedings. The State Fund may compromise claims before or after commencement of suit for such amount as may be approved by a person duly authorized by the board for such purpose. The agreed cost of such service and the expense incidental thereto is a proper charge against the contracting agency by which a local member was employed.

SEC. 23. Any amount recovered by way of subrogation by the employer, workmen's compensation insurer or this system shall be applied first to the amounts which the employer or its insurer has paid or become obligated to pay, and second to the amounts which this system has paid or become obligated to pay.

SEC. 24. Net amounts recovered from third persons under this act shall be paid by this system to the contracting agency by which the member was employed.

SEC. 25. Upon the death before retirement of a member while in fire service, or within four months after discontinuance of fire service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of fire service, this system is liable for either the basic or special death benefit.

SEC. 26. The basic death benefit is payable in all cases where the special death benefit is not payable.

The basic death benefit shall consist of an amount equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed one-half of such compensation.

A member or his beneficiary, after death of the member, may elect by a writing filed with the board to have the basic death benefit paid in monthly installments, fixed in number or amount, subject to such rules as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit.

SEC. 27. The special death benefit is payable if the death was the result of injury or disease arising out of and in the course of his employment in fire service, as determined by the Industrial Accident Commission and if there is a wife or child who qualifies under subdivision (b), Section 28.

SEC. 28. The special death benefit consists of:

(a) The basic death benefit; and

(b) An amount sufficient, when added to the basic death benefit, to provide, when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of the average compensation earnable by the deceased during the five years immediately preceding his death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains 18.

SEC. 29. The special death benefit shall be paid in monthly installments to the surviving wife and children as prescribed in Section 28.

SEC. 30. If payment of the special death benefit is stopped because of remarriage of the widow or attainment of the age of 18 years by a child, before the sum of the monthly payment made equals the basic death benefit, a lump sum equal to the difference shall be paid the remarried widow, or if there is no widow, to the surviving children of the deceased member, share and share alike.

SEC. 31. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with the payment of the basic death benefit. If the Industrial Accident Commission determines on the basis of such an application subsequently filed, that death was the result of injury or disease arising out of and in the course of his employment in fire service, an amount equal to the benefit shall be deducted from the special death benefit.

SEC. 32. If a beneficiary is not designated, or if the estate is the beneficiary and the estate would not be probated if no amount were due from this system, all of the amount due by reason of the death of a member or retired member, including retirement allowances accrued but not received prior to death, shall be paid directly without probate to the surviving next of kin of the deceased or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

1. Husband or wife,
2. Children,
3. Father and mother,
4. Grandchildren,
5. Brothers and sisters,
6. Nieces and nephews.

SEC. 33. No payment shall be made to persons included in any group if at the date of payment there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the board, that there are no living individuals in the groups preceding it and that the estate of the deceased will not be probated, is in full discharge of the board and system on account of the death.

SEC. 34. If the estate of the deceased member is his beneficiary, or if no beneficiary has been designated by him, or if the designated beneficiary can not be found by the board, it may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under this system, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the board may require. Payment so made is a full discharge of the board and system for the amount so paid.

SEC. 35. In the event of termination of membership by a member upon termination of his employment as a fireman, there shall be paid to him any accumulated contributions he has made to this system, together with the interest credited thereto.

SEC. 36. In the event of the termination of membership of a member upon termination of the contract of the public agency by which he is employed with the board, all amounts held by this system on his account, whether contributed by him, by the public agency by which he is employed, or by the State, together with the interest thereon, shall be paid to the person whose membership is so terminated."

#### Amendment No. 12

On page 4, line 43, of said bill, strike out "Sec. 18," and insert "SEC. 37."

#### Amendment No. 13

On page 4, line 49, of said bill, strike out "Sec. 19," and insert "SEC. 38."

#### Amendment No. 14

On page 4, line 50, of said bill, after "Fund", strike out "the", and insert "a".

**Amendment No. 15**

On page 4 of said bill, strike out lines 51 and 52, and insert "equal to five per cent (5%) of the salary paid to members of this system employed by that agency, and, in the case of volunteer firemen of the agency, five per cent (5%) of thirty dollars (\$30) per month for each such volunteer fireman."

**Amendment No. 16**

On page 5, line 1, of said bill, strike out "Sec. 20.", and insert "SEC. 39."

**Amendment No. 17**

On page 5, line 6, of said bill, strike out "SEC. 21.", and insert "SEC. 40."

**Amendment No. 18**

On page 5, line 19, of said bill, strike out "SEC. 22.", and insert "SEC. 41."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 466**—An act to add Sections 2981 and 2982 to the Civil Code, regulating conditional sale contracts on motor vehicles and providing penalties for violations.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

On page 3 of the printed bill, as amended, strike out lines 13, 15, 16 and 17, and insert "7. The amount of the time price differential."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 298**—An act to add Section 7432, and Article 8.5, comprising Sections 7402 to 7409, inclusive, to Chapter 10 of Division 3 of the Business and Professions Code, relating to minimum price schedules for services licensed under the chapter on cosmetology.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, line 10, of the printed bill, after "chapter", insert "or approved by the board".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO AMEND JOURNAL**

Senator Collier moved that the Senate Journal of June 4 be corrected as follows:

On page 3393, line 1, insert the word "Partial", at the beginning of said line.

Motion carried.



## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1976

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 54

Assembly Bill No. 1569

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 332

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 271

Senate Bill No. 849

Senate Bill No. 272

Senate Bill No. 1006

Senate Bill No. 511

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 3.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1003

Senate Bill No. 1287

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 5.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 5

Senate Bill No. 611

Senate Bill No. 803

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

RICH, Chairman

Above reported bills ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 880	Senate Bill No. 1021
Senate Bill No. 941	Senate Bill No. 1022
Senate Bill No. 944	Senate Bill No. 1031
Senate Bill No. 1018	Senate Bill No. 1033
Senate Bill No. 1019	Senate Bill No. 1256
Senate Bill No. 1020	Senate Bill No. 1262

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 25	Senate Bill No. 364
Senate Bill No. 172	Senate Bill No. 414
Senate Bill No. 251	Senate Bill No. 551
Senate Bill No. 265	Senate Bill No. 555
Senate Bill No. 276	Senate Bill No. 610
Senate Bill No. 277	Senate Bill No. 612
Senate Bill No. 307	Senate Bill No. 630
Senate Bill No. 336	Senate Bill No. 795

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 196	Senate Bill No. 509
Senate Bill No. 343	Senate Bill No. 546
Senate Bill No. 440	Senate Bill No. 1111

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 436
Senate Bill No. 926

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; noes 1.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 1401

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:  
Senate Bill No. 1305

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:  
Assembly Bill No. 74

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## Committee on Transportation

## SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:  
Assembly Bill No. 898

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 903

Assembly Bill No. 1269

Assembly Bill No. 1259

Assembly Bill No. 1577

Assembly Bill No. 1261

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 608

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 52—Relative to the diversion of water from Donner Lake;

Senate Joint Resolution No. 24—Relative to memorializing Congress to enact remedial legislation to provide members of the armed forces with wage credits on their social security accounts for the period of their military service;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fifth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 216**—An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class;

**Senate Bill No. 350**—An act to add Section 4056a to the Political Code, relating to county ordinances and providing for codification thereof;

**Senate Bill No. 522**—An act to add Article 9 to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, authorizing the creation in certain counties of the office of Public Guardian to act as guardian of persons or property or both and relating to such Public Guardian;

**Senate Bill No. 527**—An act to amend and renumber the article heading of Article 1 of, and to add Sections 3261 and a new article, comprising Sections 3200 to 3203, inclusive, to, Chapter 2 of Part 1 of Division 4 of, and to amend Sections 154 and 3253 of, the Welfare and Institutions Code, relating to State institutions for the blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and industrial workshops for the blind;

**Senate Bill No. 707**—An act to amend Sections 59.5, 587, 995, 995.1, 1074, and 1075 and to repeal Sections 585, 586, and 995.2 of the Fish and Game Code, relating to administrative procedure of the Fish and Game Commission;

**Senate Bill No. 708**—An act to amend Sections 113, 12003, and 12752 of the Education Code, and to add Section 2.5 to, to amend Section 4 of, and to repeal Section 5 of an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to administrative procedure of the State Board of Education; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 709**—An act to amend Sections 1354 and 1371 of, and to add Section 1392 to, the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Harbor of San Diego;

**Senate Bill No. 711**—An act to amend Sections 1101, 1155, 1192 and 1193 of the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun;

**Senate Bill No. 712**—An act to amend Sections 5703 and 5753 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Institutions;

**Senate Bill No. 714**—An act to amend Section 10100 and to repeal Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of the Business and Professions Code, relating to administrative procedure of the Real Estate Commissioner;

**Senate Bill No. 710**—An act to amend Sections 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar;

**Senate Bill No. 717**—An act to amend Section 13320 and 13613 and to repeal Sections 13321, 13322, 13323, 13324, 13614, 13615, and 13616 of the Health and Safety Code, relating to administrative procedure of the State Fire Marshal;

**Senate Bill No. 723**—An act to amend Section 7425, and to repeal Sections 7426, 7427, 7428, and 7429 of the Business and Professions Code, relating to administrative procedure of the State Board of Cosmetology;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 728**—An act to amend Section 4875 and to repeal Sections 4876, 4877, 4878, 4879 and 4880 of the Business and Professions Code, relating to administrative procedure of the Board of Examiners in Veterinary Medicine;

**Senate Bill No. 729**—An act to amend Section 1265 of the Business and Professions Code, to amend Sections 1222 and 1227 and to repeal Section 1228 of the Health and Safety Code, and to amend Section 9 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to administrative procedure of the State Board of Public Health;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 55**—An act to add Section 4a to, and to amend Section 67 of, the State Employees' Retirement Act, and to add Sections 20307 and 20681.5 to, and to amend Section 20684 of, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion therein of certain State employees whose compensation is paid other than by the State, and for contributions by members and by the State;

**Senate Bill No. 730**—An act to amend Section 4530 of the Business and Professions Code, to amend Sections 1406, 1409 and 1615 and to repeal Sections 1616, 1617, and 1620 of the Health and Safety Code, and to amend Section 11503 of the Insurance Code, relating to administrative procedure of the State Department of Public Health;

**Senate Bill No. 731**—An act to amend Section 4210 of the Business and Professions Code, relating to administrative procedure of the California State Board of Pharmacy;

**Senate Bill No. 732**—An act to amend Section 3090 and to repeal Section 3091 of the Business and Professions Code, relating to administrative procedure of the State Board of Optometry;

**Senate Bill No. 733**—An act to amend Section 2750 and to repeal Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757, and 2758 of the Business and Professions Code, relating to administrative procedure of the Board of Nurse Examiners of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

#### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 4, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1197

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

#### MOTION TO AMEND SENATE BILL NO. 1197

Senator Rich moved Senate Bill No. 1197 be taken up at this time for the purpose of amendment and then re-referred to Committee on Finance.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1197**—An act to provide revenues to meet appropriations for the support of the Department of Motor Vehicles, by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof, and to amend Sections 776, 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, lines 4 and 5, of the printed bill, as amended, strike out "the provisions of Part 5 of Division 2 of the Revenue and Taxation Code."

**Amendment No. 2**

On page 5 of said bill, strike out lines 21 to 24, inclusive, and insert "equal to one-quarter of the moneys appropriated by the Legislature from the Motor Vehicle License Fee Fund for support of the Department of Motor Vehicles for the fiscal year in which such distribution is made shall be transferred on order of".

**Amendment No. 3**

On page 5 of said bill, strike out line 37, and insert "General Fund of the State, unless the amount transferred from the Motor Vehicle Fund to the State Highway Fund, pursuant to the provisions of Section 781 of the Vehicle Code, in February of any year does not equal thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates in the Motor Vehicle Fund during the calendar year ending the preceding December 31st. In that event there shall be transferred, on order of the State Controller, to the State Highway Fund from the moneys thereafter payable under this paragraph the difference between said thirty-one and three-fourths per cent (31¾%) of said fees and the amount received in the State Highway Fund, pursuant to Section 781 of the Vehicle Code, and the balance remaining after such transfer to the State Highway Fund shall be transferred to the General Fund of the State."

**Amendment No. 4**

On page 6 of said bill, strike out lines 17 to 25, inclusive; and in line 26, strike out "9", and insert "8".

**Amendment No. 5**

On page 6, line 34, of said bill, strike out "10", and insert "9".

**Amendment No. 6**

On page 6 of said bill, lines 41 and 42, strike out "or the Motor Vehicle License Fee Fund".

**Amendment No. 7**

On page 6, line 43, of said bill, following the period, insert "The provisions of Item 187.5 of the Budget Act of 1945 are superseded by this act, and shall have no further force or effect. The provision in Item 276.6 of the Budget Act of 1945 reading: 'To carry out the provisions of this item, the amount specified in Item 187.5 is hereby increased seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-seventh Fiscal Year and seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-eighth Fiscal Year' is superseded by this act, and shall have no further effect. Notwithstanding the provisions of Section 788 of the Vehicle Code as added by this act, the Director of Finance and the Governor are authorized to make available under the provisions of Section 11006 of the Government Code sufficient moneys to furnish salary increases for each officer and employee of the Department of Motor Vehicles eligible therefor under Item 276.6 of the Budget Act of 1945, or under the provisions of any other statute enacted at the Fifty-sixth Session of the Legislature providing for such salary increases. Any such salary increases shall be made only in accordance with the provisions of the said Item 276.6 or such other statute."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Joint Resolution No. 31:** By Senator Shelley—Relative to memorializing Congress to enact legislation to enable California to extend its State Unemployment Insurance Act to cover employees in Federal war plants and agencies.

Referred to Committee on Social Welfare.

## ADJOURNMENT

At 4.46 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, June 6, 1945.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

EIGHTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FIFTIETH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, June 6, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Swing, on motion of Senator Keating, account illness.

Senator Ward, on motion of Senator Seawell, account illness.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Gerald Boyes and daughter Judith Elaine of Princeton, daughter and granddaughter of Senator Sutton.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. B. Walls, Otto Burger, and Frank Thompson of Petaluma.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Frederick Oakes of Denver, Colorado.

On request of Senators Sutton and Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Wm. Randall of Colusa and Mrs. Hubert Binns of Upper Lake.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clifford E. Peterson, Chief of Police, of San Diego, and Clifford E. Peterson, Jr.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 288

Senate Bill No. 600

Senate Constitutional Amendment No. 17

And reports the same correctly engrossed.

SEAWELL, Chairman

##### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 700

Assembly Bill No. 1214

Assembly Bill No. 1213

Assembly Bill No. 2152

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

##### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Constitutional Amendment No. 28

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2204

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1428

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1055

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; noes 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Agriculture

## SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1038

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1026

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1553

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1109

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 5; noes 3; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## Committee on Public Health and Safety

## SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 349

Assembly Bill No. 677

Assembly Bill No. 1427

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported bills ordered to second reading.

## COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

ASSEMBLY CHAMBER  
SACRAMENTO 14, CALIFORNIA, June 6, 1945

*Honorable Frederick F. Houser,  
President of the Senate,  
Senate Chamber, State Capitol,  
Sacramento 14, California*

DEAR MR. HOUSER: The Assembly has instructed me to extend an invitation to the Members of the Senate to be the guests of the Assembly today at 2.45 p.m. for the purpose of honoring and hearing the Honorable Lic. Ezequiel Padilla, Secretary of Foreign Affairs for the Republic of Mexico.

Yours very truly,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## CONSIDERATION OF DAILY FILE

## THIRD READING OF ASSEMBLY BILLS

**Assembly Joint Resolution No. 41**—Relative to Indian claims for lands taken from them by the United States without compensation.

Resolution read.

## Motion to Amend

Senator Biggar moved the adoption of the following amendments:

## Amendment No. 1

On page 2, line 12, of the printed measure, strike out "articles, chattels", and insert "for which no compensation was made, computed at the minimum rate of one dollar and twenty-five cents (\$1.25) per acre, is ninety-three million seven hundred and fifty thousand dollars (\$93,750,000); now, therefore, be it".

## Amendment No. 2

On page 2 of said measure, strike out lines 13 to 28 inclusive.

## Amendment No. 3

On page 3, line 3, of said measure, strike out "as set forth by the Attorney General of the State of".

## Amendment No. 4

On page 3 of said measure, strike out line 4.

## Amendment No. 5

On page 3, line 5, of said measure, strike out "California Indians, dated August 15, 1944".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, providing for the handling and disposition of such money, and providing that this act shall take effect immediately.

Bill read third time.

## Motion to Amend

Senator Biggar moved the adoption of the following amendment:

## Amendment No. 1

On page 2, lines 7 and 8, of the printed bill, strike out "maintaining independently its fire protection organization and".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

## RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

## Senate Resolution No. 128

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, beginning June 4, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Vernette Sturm, Stenographer-----	<i>Per day</i> \$8 00
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Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, McBride, Mixer, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—22.

NOES—None.

By Senator Brown:

## Senate Resolution No. 129

Creating the Senate Committee on Local Government Agencies,  
and defining its powers and duties

WHEREAS, Local governmental agencies during recent years have entered upon various types of enterprises for the service of the inhabitants of the several areas over which such agencies, respectively, have jurisdiction and in which they function; and

WHEREAS, These enterprises in increasing number involve the acquisition and use, within and without the areas thus served, of facilities which are operated, many of them, in a proprietary or quasi-proprietary capacity; and

WHEREAS, These circumstances give rise to relationships, contractual and otherwise, between these several agencies and individual citizens and other public agencies, relationships which it is the obligation and responsibility of the State as sovereign to regulate, and the reciprocal obligations of all concerned to clarify and define, in the public interest and for the common weal; now, therefore, be it

*Resolved by the Senate of the State of California*, as follows:

1. The Senate Committee on Local Governmental Agencies is hereby created, and authorized and directed to ascertain, study and analyze all facts relating to the subjects mentioned in the recitals of this resolution, particularly as to the status of cities, counties, and public districts as owners and operators of facilities and properties used by them in the service of their inhabitants, and the civil rights, duties, privileges and responsibilities of such cities, counties and districts toward their inhabitants and toward other persons and public agencies, growing out of, or in any way related to their acquisition, ownership, operation or management of such facilities and properties wherever situate, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### UNFINISHED BUSINESS

**Senate Bill No. 64**—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

#### CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 64 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jaspersen, Kuchel, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 54**—An act to add Section 20464 to the Government Code, relating to the State Employees' Retirement System, and providing for the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 332**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 271**—An act to amend Sections 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 272**—An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 511**—An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 849**—An act to add Section 5009 to the Education Code, relating to audits and making an appropriation to the Department of Finance therefor, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1006**—An act to add Section 572.5 to the Military and Veterans Code, relating to clothing and equipage allowances for officers and warrant officers of the California State Guard and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1003**—An act to add Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 22041, of the Education Code, and to amend Section 9791 of the Government Code, relating to the distribution of State publications.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1287**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the eleven western States and to provide for the distribution and utilization thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 5**—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Contra Costa, Inyo, Kings, Placer, San Benito and Tuolumne Counties, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 611**—An act to provide State assistance of local agencies for the control of mosquitoes, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 803**—An act to provide for basic topographic mapping of the State of California and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 880**—An act to amend Section 22003 of the Education Code, relating to the State Librarian.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 941**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 944**—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1018**—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1019**—An act providing for the maintenance and operation of State cerebral palsy schools and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1020**—An act relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for a State cerebral palsy school and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1021**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1022**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1031**—An act making an appropriation for the acquisition of real property, and authorizing the exchange of real property for Chico State College.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1033**—An act making an appropriation to the Division of Forestry for making surveys and appraisals of lands.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1256**—An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1262**—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 25**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 172**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 251**—An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 265**—An act to authorize the Director of Finance to sell and convey certain real property, and making an appropriation of a portion of the proceeds thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 276**—An act to amend Sections 20750 and 20490 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 277**—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 307**—An act to provide for the acquisition of the site of the home of Louis Rubidoux in West Riverside in the County of Riverside as part of the State Park System, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 336**—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 364**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 414**—An act making an appropriation for the purpose of enforcing the provisions of the alien land laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 551**—An act making an appropriation for the purchase of land for the San Jose State College of the Public School System.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 555**—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 610**—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 612**—An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 630**—An act to add Article 6, comprising Sections 5070 to 5077, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an advisory committee for that purpose; and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 795**—An act making an appropriation for land-scaping and auto parking at Marshall's Monument grounds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 196**—An act making an appropriation to the Department of Administrative Procedure.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 5 of the title of the printed bill, strike out "Administrative Procedure", and insert "Professional and Vocational Standards".

##### Amendment No. 2

On page 1, line 10, of said bill, after the first "of", insert "Professional and Vocational Standards for support of the Division of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 343**—An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 5 of the title of the printed bill, as amended, after "Park", insert ", to take effect immediately."

**Amendment No. 2**

On page 2, in lines 9 and 10 of the printed bill, as amended, strike out "out of any money in the State Treasury not otherwise appropriated", and insert after "expended", "during the Ninety-seventh and Ninety-eighth Fiscal Years."

**Amendment No. 3**

On page 2 of said bill, after line 15, insert "Of the amount hereby appropriated, \$5,000 shall be paid out of the San Diego Harbor Improvement Fund and \$45,000 out of the State Beach Fund."

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 440**—An act making an appropriation for support of the State Printing Plant, State Department of Finance, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 1 and 2, of the printed bill, strike out "five thousand six hundred thirty-three and 89/100 dollars (\$5,633.89)," and insert "twenty-three thousand five hundred fifteen and 35/100 dollars (\$23,515.35)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 509**—An act making an appropriation for the purchase of land for Stockton State Hospital.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "used", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 546**—An act reappropriating to the Director of Institutions for the purchase of land for Agnews State Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 1, line 6, of the printed bill, after the period, insert "This appropriation shall be available during the Ninety-seventh and Ninety-eight Fiscal Years."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1111**—An act to amend Sections 23, 24, and 20 of the Unemployment Insurance Act, relating to funds in the State treasury.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 3 of the printed bill, as amended, between lines 17 and 18, insert "Any amount authorized to be expended for administration pursuant to this section shall be transferred to the Unemployment Administration Fund; provided, however, that any amount not needed for the purpose for which authorized shall, upon order of the Director of Finance, be retransferred to the Department of Employment Contingent Fund."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 436**—An act making an appropriation to the emergency fund specified in Item ----- of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Item", insert "275".

##### Amendment No. 2

On page 1, line 4, of said bill, as amended, after "Item", insert "275".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 926**—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance :

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "State Treasury", and insert "Postwar Employment Reserve".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1305**—An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 850**—An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 48**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1629**—An act to add Section 5157.5 to the Public Resources Code, relating to beach erosion work.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Natural Resources :

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, in Assembly on May 25, 1945, after the period insert "Before any such work is performed by a county within the incorporated area of any county, the consent of the governing body of such incorporated area shall first be obtained."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1976**—An act to amend Section 59.5 of the Alcoholic Beverage Control Act, relating to the hours of sale of alcoholic beverages, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency :

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend", and insert "add".

**Amendment No. 2**

In line 1 of the title of the printed bill, strike out "59.5 of", and insert "59.6 to".

**Amendment No. 3**

On page 1, line 2, of the printed bill, as amended, strike out "59.5 of", and insert "59.6 is hereby added to".

**Amendment No. 4**

On page 1, line 3, of the printed bill, as amended, strike out "is amended".

**Amendment No. 5**

On page 1, line 8, of the printed bill, as amended, strike out "59.5", and insert "59.6".

**Amendment No. 6**

On page 1, line 9, of the printed bill, as amended, May 29, 1945, after "delivers", insert "at retail".

**Amendment No. 7**

On page 1, line 9, of the printed bill as amended, after "person", insert ", for consumption off the premises of sale,".

**Amendment No. 8**

On page 1, line 14, of the printed bill, as amended, after "who", insert ", for consumption on the premises of sale,".

**Amendment No. 9**

On page 1, line 16, of the printed bill, as amended, after "day", insert "or who, for consumption off the premises of sale, sells, gives, or delivers to any person any alcoholic beverage at times other than as permitted in the next above paragraph for off-sale licensees".

**Amendment No. 10**

On page 1, line 15, of the printed bill, as amended, strike out "6", and insert "8".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1569**—An act to amend Sections 4101, 4102, 4103, 4104, 4105 and 4106 of the Government Code, and to add Section 4108 thereto, relating to bidding on public work.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1401**—An act to amend Sections 737c, and 737i of the Political Code, relating to judges' salaries.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "737c," insert : "737e,".

**Amendment No. 2**

On page 1, line 12, of said bill, after "SEC. 2.", insert "Section 737e of said code is amended to read: 737e. The annual salary of the judge of the Superior Court in and for the County of Calaveras is seven thousand dollars (\$7,000). SEC. 3."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 74**—An act to amend Section 737j of the Political Code, relating to the salaries of judges of the Superior Court in and for the County of Fresno.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 898**—An act to amend Sections 44, 44.1, 44.3 of, and to add Sections 44.7 and 44.9 to, the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2, line 35, of the printed bill, as amended, after "deputy sheriff", insert "or by a marshal or deputy marshal of a municipal court,".

**Amendment No. 2**

On page 2, lines 41 and 42, of said bill, strike out "Director of the Department of Motor Vehicles," and insert "Chief of the California Highway Patrol."

**Amendment No. 3**

On page 2, line 51, of said bill, after "sheriff", insert "or marshal or deputy marshal of a municipal court,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 903**—An act to amend Section 404 of the Vehicle Code, relating to service of process on nonresident.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1259**—An act to amend Sections 377 and 378 of, and to add Section 383.1 to, the Vehicle Code, relating to fees and procedure for refunds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1261**—An act to amend Sections 451, 454, 476 and 715 of the Vehicle Code, relating to traffic and signs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1269**—An act to amend Sections 731, 737, and 739.1 of the Vehicle Code, relating to procedure upon arrest.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1577**—An act to suspend the operation of Section 673.5 of the Vehicle Code, relating to operation of vehicles.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution No. 27**—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—26.

**NOES**—Senator Gordon—1.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1297**—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 502**—An act to add Section 15003 to the Government Code, relating to the deputy director of the Department of Justice.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 600**—An act to extend the effective date of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved February 10, 1943, and making an appropriation for the further administration thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 139**—An act to amend an act entitled “An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith,” submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 973**—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State treasury in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 974**—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 975**—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 288**—An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—Senators Desmond, Donnelly, and Dorsey—3.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—30.

NOES—Senators Desmond, Donnelly, and Dorsey—3.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk



**Senate Bill No. 363**—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 6 of Article IX and Section 15 of Article XIII thereof, relating to the support of the Public School System.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—30.

**NOES**—Senators Dilworth, and Hulse—2.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 254**—An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 886**—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Bill read third time.

#### Motion to Amend

Senator Carter moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 4, of the printed bill, after "benefit of the", insert "members of this system who are credited with service rendered as".

##### Amendment No. 2

On page 1, line 7, of said bill, after "of", insert "the difference between".

##### Amendment No. 3

On page 1, line 11, of said bill, before the period, insert ", and the accumulated contributions made by such persons".

##### Amendment No. 4

On page 1 of said bill, strike out lines 16 to 21, inclusive, and insert "contributions to the credit of each such local member, but any such member may elect to withdraw his accumulated contributions. The status of any such member who does not withdraw

his accumulated contributions shall be the same as if the public agency had continued as a contracting agency. The portion of the contributions of the contracting agency held under Section 20563 to the credit of each member shall be determined by the board, and may be adjusted from time to time prior to termination of membership. A member whose membership continues under this section is subject to the same age and incapacity requirements as apply to other members for service or for disability retirement, but he is not subject to a minimum service requirement. He shall receive such retirement".

#### Amendment No. 5

On page 1, line 22, of said bill, strike out "contribution", and insert "contributions".

#### Amendment No. 6

On page 1, line 25, of said bill, before the period, insert ", but the provisions of this part relative to minimum retirement allowances shall not apply to him. Upon the death of such a member the basic death benefit shall be his accumulated contributions".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 911**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Jaspersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

### RECESS

At 3 p.m., on motion of Senator Quinn, the Senate recessed to call of the President.

### REASSEMBLED

At 3.30 p.m., the Senate reconvened. Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

CHARLES G. JOHNSON, STATE TREASURER, CALIFORNIA

SACRAMENTO, CALIFORNIA, June 6, 1945

*Members of the State Senate,  
Sacramento, California*

GENTLEMEN: The precautionary war regulation which provided for the closing of the state vault between the hours of 12 to 1 o'clock to minimize hazards *has been suspended.*

I regret exceedingly that if during this session of the Legislature any member has suffered any inconvenience due to these emergency circumstances.

The office will open, as usual, at 8.30 a.m. and closed at 4 p.m. The vault will remain open during this period. All Controller's warrants will be paid during this period.

If any member will indicate to the Sergeant-at-Arms, of their wish for any service of this office, such service will immediately be rendered to the entire satisfaction of such individual member.

Very truly yours,

CHAS. G. JOHNSON, State Treasurer

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1437

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

POWERS, Vice-Chairman

Above reported bill ordered to second reading.

## Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 939

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1306

Assembly Bill No. 1157

Assembly Bill No. 2074

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 873

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 63:** By Senator Quinn—Relative to the creation of the Joint Interim Committee on Veterans Affairs.

Referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 220**—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Salsman, Seawell, Shelley, Slater, and Tenney—22.

NOES—Senators Biggar, Brown, Desmond, Dilworth, Gordon, Hatfield, Hulse, Kuchel, Mixter, Parkman, Rich, Sutton, and Weybret—13.

#### Motion to Reconsider

Senator Desmond moved to reconsider the vote whereby Assembly Bill No. 220 was passed.

#### Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 220 was passed, was continued until the next legislative day.

**Assembly Bill No. 1069**—An act to amend Section 737gg of the Political Code, relating to the salary of judges in counties of the fourteenth class.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RETAIN PLACE ON FILE

Senator Tenney moved that Assembly Bill No. 2111 be passed on file and retain its place on file.

Motion carried.

**Assembly Bill No. 663**—An act to add Article 3 to Chapter 3, of Division 9 of, and Section 8510 to the Elections Code, relating to election contests.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 567**—An act to amend Sections 13352, 13361, 13377 and 13388, and to repeal Sections 13378 and 13395, of the Health and Safety Code, relating to buildings, equipment and operation of clothes cleaning establishments.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 527**—An act to amend Sections 2800 and 2901 of the Health and Safety Code, relating to pest abatement districts.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RETAIN PLACE ON FILE

Senator Desmond moved that Assembly Bill No. 1822 be passed on file and retain its place on file.

Motion carried.

**Assembly Bill No. 671**—An act to amend Section 2631 of the Elections Code, relating to sponsor list.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Carter, Collier, DeLap, Desmond, Dillinger, Jespersen, Seawell, and Shelley—9.

NOES—Senators Breed, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Slater, Sutton, Tenney, and Weybret—20.

#### Motion to Reconsider

Senator Desmond moved to reconsider the vote whereby Assembly Bill No. 671 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 671 was refused passage, was continued until the next legislative day.

#### MOTION TO EXCUSE COMMITTEE

At 4.25 p.m., Senator Breed moved that the Committee on Institutions be excused at this time for the purpose of holding a committee meeting.

Motion carried.

#### MOTION TO EXCUSE COMMITTEE

At 4.26 p.m., Senator Quinn moved that the committee on Military and Veterans Affairs be excused at this time for the purpose of holding a committee meeting.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1547**

Senator Burns moved that Assembly Bill No. 1547 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1547**—An act to amend Sections 1, 2, 5, 6, 6.5, 6.6, 16, 18, 19, 22a, 22b, 23, 23c, 23d, 26, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 60, 67.1, 67.5 of the Alcoholic Beverage Act, relative to alcoholic beverage and to provide that this act shall go into effect immediately.

Bill read second time.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, between the word "Beverage", and the word "Act", insert "Control".

**Amendment No. 2**

In line 3 of the title of the printed bill, after the comma, following "Act", strike out "relative", and insert "and to add thereto Section 38g, relating".

**Amendment No. 3**

In line 4 of the title of the printed bill, strike out "beverage", and insert "beverages".

**Amendment No. 4**

On page 5 of the printed bill, as amended, between lines 33 and 34, insert  
"5a. Wine Rectifier's license\_\_\_\_\_ 250.00 per year".

**Amendment No. 5**

On page 13 of the printed bill, as amended, between lines 3 and 4, insert  
"(s) A wine rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor or color wine upon which the excise tax imposed by Section 23 has been paid, and whether so cut, blended, rectified, mixed, flavored or colored by him, or any other person, to package, label, export and to sell such products to persons holding licenses issued by the board authorizing the sale of wine. The holder of a wine rectifier's license shall be entitled to apply for and hold a wine importer's license, a distilled spirits manufacturer's or a distilled spirits manufacturer's agent's license. A wine rectifier's license shall not be issued to or be held by the holder of a retail off-sale or retail on sale license. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this act with respect to the excise tax paid by such wine grower on wine sold to a wine rectifier and which has been exported from this State by such wine rectifier or sold for export by such wine rectifier and thereafter actually exported from this State. The board shall make rules and regulations prescribing the procedure for claiming and allowance of such credit."

**Amendment No. 6**

On page 13, line 34, of the printed bill, as amended, strike out "general", and insert "distilled spirits".

**Amendment No. 7**

On page 13 of the printed bill, as amended, strike out lines 46 to 52, inclusive; and on page 14, strike out lines 1 to 8, inclusive.

**Amendment No. 8**

On page 16 of the printed bill, as amended, between lines 9 and 10, add a new section, to be numbered Section 14a, to read as follows:

"SEC. 14a. Section 38g is hereby added to the act, to read as follows:

Sec. 38g. The board may adopt such rules and regulations as will foster and encourage the orderly wholesale marketing and wholesale distribution of beer; provided, that no such action shall be taken by the board except after public hearing and ten (10) days notice to all licensed manufacturers of beer in California of the time and place of such hearing and of the character of the action intended to be taken by the board."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1215**—An act to add Chapter 3.5, comprising Section 8301, to Division 4 of the Education Code, relating to the study of child growth and development.

Bill read third time.

## Motion to Amend

Senator Salsman moved the adoption of the following amendments:

## Amendment No. 1

Strike out line 3 of the title of the printed bill, as amended, and insert "care, growth and management."

## Amendment No. 2

On page 1, line 4, of said bill, strike out "Growth and Development", and insert "Care, Growth and Management".

## Amendment No. 3

On page 1, line 7, of said bill, strike out "educational", and insert "parent education and homemaking".

## Amendment No. 4

On page 1 of said bill, strike out lines 8 to 14, inclusive, and insert "of child care, growth and management. Such number of children as may be necessary to the proper conduct of such courses may be admitted to classes conducted as a part of such programs and such children may be under the age at which children are admitted to kindergarten, provided their parents or guardians are enrolled in such parent education and home-making programs. The qualifications of teachers, the".

Amendments read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Bill No. 362 be taken from the inactive file and placed on the second reading file.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1879

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof; And appointed Messrs Watson, Brown, and Erwin as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Collier, Hatfield, and Dillinger as a Senate Committee on Conference concerning Assembly Bill No. 1468 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 938

Assembly Bill No. 1402

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 938**—An act to amend Section 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to license fees of credit unions.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1402**—An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

Referred to Committee on Local Government.

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 646

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 303

Senate Bill No. 1296

Senate Bill No. 889

Senate Bill No. 1307

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 607

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1030

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 934

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 264

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 541

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 85

Senate Bill No. 453

Senate Bill No. 1302

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 64:** By Senator Crittenden—  
Relative to the return to this State of the control of the Central Valley  
Project.

Referred to Committee on Water Resources.

**ADJOURNMENT**

At 4.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, June 7, 1945.

JOHN F. LEA, Minute Clerk

# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

EIGHTY-NINTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-FIRST CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, June 7, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—39.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Swing, on motion of Senator Hatfield, account of illness.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator Kenneth Johnson of Nevada.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Leona Rifkind, Albert Feigenbaum, and Dr. Harry Rifkind, all of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. William H. Clark, of San Diego, and of Kummering, China.

## MOTION TO PRINT REPORT

Senator Mayo moved the following report of the California Commission on Interstate Cooperation be printed in the Journal, and that 200 extra copies of the report be printed for distribution.

Motion carried.

## CALIFORNIA COMMISSION ON INTERSTATE COOPERATION

SACRAMENTO 14, June 4, 1945

*To the Hon. Earl Warren, Governor,  
and to the Legislature of the State of California*

The California Commission on Interstate Cooperation, in accordance with the provisions of Section 8009 in the Government Code providing for the submission of reports at such times as the commission deems appropriate, respectfully submits this special report relative to pending Federal aid airport legislation.

We invite your earnest attention to the contents thereof, and in particular to the proposed resolution which we urge the Legislature to adopt before adjournment.

ROBERT W. KENNY, Chairman

SPECIAL REPORT OF THE CALIFORNIA COMMISSION ON INTERSTATE  
COOPERATION RELATIVE TO PENDING FEDERAL AID  
AIRPORT LEGISLATION

From time to time this commission has taken upon itself the responsibility of calling to the attention of the Governor and the Legislature particular matters of Federal-State concern in which the State should take an active and definite stand.

One of the more important problems now facing Congress is that of Federal aid for airports and the method by which such aid should be made available by the Federal Government to the various States and their political subdivisions. Having in mind the valuable experience developed over a period of 30 years between the Federal Government and the States in establishing and promoting cooperative programs in such fields as agriculture, highways, public health, social security, and vocational education which have, in the main, followed a "Federal-State" pattern, we wish to view with alarm and express our opposition to certain proposed bills now before Congress which would seek to by-pass the well-established "Federal-State" pattern on Federal aid for airports.

It must be remembered that in embarking upon a Federal aid program for airports Congress is starting a new venture of long range implication and large-scale costs to the public. We are not unmindful that up until recently the Federal Government has allocated funds direct to municipalities or has itself engaged in the construction of airport facilities as under the WPA program. However, relatively few cities, usually those with large commercial airports, have been the beneficiaries thereof, and where Federal moneys have been expended it has been on a direct grant basis. This "Federal-city" experience, therefore, is not a valid basis upon which to determine the possible success of any Federal aid airport program developed in any other manner than through the established, well-tried "Federal-State" method.



In this view we are supported by such National organizations as the Council of State Governments, the Governor's Conference, the National Association of State Aviation Officials, and the United States Chamber of Commerce, all of whom have opposed the "Federal-city" plan of Federal aid for airports embodied in the compromise version of S. 2, known as the McCarran Bill, which would allocate up to 35 per cent of Federal aid for "urban" projects, Class 3 airports or larger, and the remainder for "State" projects, Class 2 or smaller. These groups, as well as your commission, are also unalterably opposed to H.R. 3170, known as the Lea Bill, which goes even farther than the McCarran Bill in permitting the Civil Aeronautics Administration to deal directly with any and all non-Federal public agencies without reference to State Governments.

We are not merely basing our opposition to these bills because they depart from the long-established practice of channelling Federal aid through the States followed since 1916 when the original Federal Aid Highway Act was enacted. On the contrary, as the United States Chamber of Commerce points out, from the all-important viewpoint of securing good administration, progressive technical development and sound financing, we believe the long-range advantages of building up the States' part in the airport system very closely parallel the similar advantages that have been derived from their active part in the highway field. The airplane has no monopoly on the crossing of State lines. Automobiles, trucks, and buses by the thousands are daily passing through many different States on trips over the interstate system of highways. In addition, although the primary emphasis up to now has been on the interstate aspects of air transportation, in the future the primary objective of Federal aid airport programs should be to meet all needs including those of fixed-base operations and personal flying. Further, the great technical advances in highway work which have been the outgrowth of the cooperative State-Federal highway planning surveys may well form the basis for similar action in the airport field.

One of the most important reasons why the "Federal-State" pattern should be preserved in the airport field is the fact that it will be conducive to better coordination not only in the development of airports which should be built to serve the municipalities and the States as well as the Nation, but in the elimination of unrestrained competition between municipalities for Federal allotments which, it must be observed, would go in large part to the largest cities under a "Federal-city" pattern.

A completely Federally dominated system as contemplated by H.R. 3170 and an implied Federally dominated system as provided under the terms of S. 2 as far as its "urban" program is concerned would create a serious departure from the traditional Federal aid pattern by their development of the theory of primary financial responsibility by the Federal Government. The fact that States have the basic taxing powers, and municipalities generally finance airport work by bond issues, which in many cases are already too high, leads only to the conclusion that it would be only a matter of time before the Federal Government will be called upon for increased contributions for local airport construction. The fact that the State of California may also be called upon to assist municipalities in airport work because of their local financial condition is indicated by the tenor of present legislation being actively supported

by the municipalities before the California Legislature. We should further like to point out that the Governor of Massachusetts joined with the other 47 Governors in urging Congress to retain a "Federal-State" pattern for airport aid, and that as the recent Mayor of Boston he had observed the State of Massachusetts taking over the Boston airport because of its financial difficulties.

For these reasons we have prepared a draft of a proposed Joint Resolution which we would like very much for the Legislature to adopt in order that the National groups already mentioned may be supported in their efforts to maintain certain governmental practices in the field of Federal aid in this most important postwar National airport program.

#### Proposed Joint Resolution

RELATIVE TO MEMORIALIZING CONGRESS TO AMEND PENDING FEDERAL AID AIRPORT LEGISLATION TO PROVIDE FOR THE CHANNELLING OF FUNDS ENTIRELY ON A "FEDERAL-STATE" BASIS

WHEREAS, There are now pending in the Congress of the United States certain bills intended to establish a National system of airports; and

WHEREAS, One bill, H.R. 3170, known as the Lea Bill, provides for a ten-year program of Federal airport aid totalling \$650,000,000 under which the Civil Aeronautics Administration would deal with any and all non-Federal agencies without reference to State Governments; and

WHEREAS, Another bill, S. 2, known as the McCarran Bill, and which, in its present form, represents a compromise between the various proponents of certain other Federal aid airport bills, provides for the allotment of 35 per cent of Federal funds direct to large municipalities under a so-called "urban" program, and the remainder of Federal funds through the States under the so-called "State" program; and

WHEREAS, Either bill in its present form would be a serious departure from the traditional "Federal-State" aid pattern so successfully developed and administered in such fields as agriculture, highways, public health, social security, and vocational education; and

WHEREAS, Either bill, as presently written, would result in a serious lack of proper coordination on airport planning and excessive competition between municipalities for Federal aid; and

WHEREAS, The indicated postwar financial conditions of municipalities would require them under the terms of these bills, as now written, to rely increasingly upon Federal contributions with consequent commensurate Federal control; and

WHEREAS, The Council of State Governments, the Governors' Conference, the National Association of State Aviation Officials, and the United States Chamber of Commerce have joined in opposing the projected method of allocation on the grounds that it is unnecessary, that it would complicate any sound plan for a National airport system and would be likely to result in many abuses, particularly in the direction of increasing friction between the States and such of their political subdivisions as might be eligible for direct aid thereunder; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby memorializes and respectfully urges the Congress, to provide in any plan that it may adopt in aid of the establishment and development of a National airport system, that grants in aid be made only to the several States, and that no part of such grants be made direct to municipalities, no matter how large, in derogation of State interests and authorities; and be it further

*Resolved,* That a copy of this Joint Resolution be transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each of the Senators and Representatives of this State in Congress.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 65:** By Senator Brown—Relative to an investigation by the City of Los Angeles of the amount of water in Owens Valley which is required for the purposes of the city.

Referred to Committee on Local Government.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1116**

Senator Hatfield moved that Assembly Bill No. 1116 be withdrawn from Committee on Water Resources and referred to Committee on Finance.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Tenney moved that Assembly Bill No. 392 be taken from the inactive file and placed on the second reading file.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 319**—An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixth day of June, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 5	Senate Bill No. 555
Senate Bill No. 25	Senate Bill No. 610
Senate Bill No. 48	Senate Bill No. 611
Senate Bill No. 54	Senate Bill No. 612
Senate Bill No. 172	Senate Bill No. 630
Senate Bill No. 251	Senate Bill No. 795
Senate Bill No. 271	Senate Bill No. 803
Senate Bill No. 272	Senate Bill No. 849
Senate Bill No. 276	Senate Bill No. 941
Senate Bill No. 277	Senate Bill No. 944
Senate Bill No. 307	Senate Bill No. 850
Senate Bill No. 332	Senate Bill No. 880
Senate Bill No. 336	Senate Bill No. 1006
Senate Bill No. 364	Senate Bill No. 1031
Senate Bill No. 414	Senate Bill No. 1033
Senate Bill No. 511	Senate Bill No. 1256
Senate Bill No. 551	Senate Bill No. 1262

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1287  
Senate Bill No. 1305

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1284                      Assembly Bill No. 972  
Assembly Bill No. 785                  Assembly Bill No. 973

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.



SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1304

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1087

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 415

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1053

Assembly Bill No. 2071

Assembly Bill No. 1943

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2073

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Joint Resolution No. 27

Has had the same under consideration, and reports the same back with the recommendation: **Be adopted.**

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported resolution ordered to third reading.



## Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Joint Resolution No. 16

Assembly Joint Resolution No. 49

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolutions ordered to third reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 627

Assembly Bill No. 1338

Assembly Bill No. 1930

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Constitutional Amendment No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1063

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 825

Assembly Bill No. 1098

Assembly Bill No. 956

Assembly Bill No. 1383

Assembly Bill No. 958

Assembly Bill No. 2193

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 793

Assembly Bill No. 97

Senate Bill No. 622

Assembly Bill No. 1339

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

**Senate Bill No. 1055**—An act to add Section 254.5 to the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "254.5 to", insert "and to amend Section 255 of".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 3 to 11, inclusive, and insert "254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before April 1st of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded forthwith by the assessor to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matter, whether:".

**Amendment No. 3**

In line 12 of the printed bill, after "expenses", insert "of the owner or operator".

**Amendment No. 4**

In line 14 of the printed bill, strike out "State", and insert "public".

**Amendment No. 5**

In line 15 of the printed bill, after "owner", insert "or operator".

**Amendment No. 6**

In line 18 of the printed bill, after "investment", insert "of the owner or operator".

**Amendment No. 7**

On page 1 of the printed bill, between lines 20 and 21, insert "The board shall forward to each assessor concerned, on or before June 1st, its finding with respect to each claimant and no exemption shall be granted by the assessor until the finding of the board has been received and considered by him."

**Amendment No. 8**

On page 1 of the printed bill, in lines 21 and 22, strike out "(board/Franchise Tax Commissioner) in making a determination of", and insert "board in ascertaining".

**Amendment No. 9**

On page 1 of the printed bill, after line 25, insert "Sec. 2. Section 255 of the Revenue and Taxation Code is amended to read: "255. Affidavits required for exemptions named in this article, *except the welfare exemption*, shall be filed with the assessor between noon on the first Monday in March and 5.00 p.m. on the last Monday in June."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1026**—An act to amend Section 6503 of the Public Resources Code, relating to leases of public lands.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 349**—An act to add Section 8893 to the Health and Safety Code, relating to the formation of public cemetery districts and providing that such formation shall not be subject to the District Investigation Act of 1933 as amended.

Bill read second time.

. Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 1 of the printed bill, after line 5, insert

"This section shall remain in effect until the Ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supercede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1306**—An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 303**—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works program.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 889**—An act to repeal an act entitled, "An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately," approved May 27, 1943, making an appropriation, and to declare the urgency hereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1197**—An act to provide revenues to meet appropriations for the support of the Department of Motor Vehicles, by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof, and to amend Sections 776, 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1296**—An act making an appropriation for the support of the State Water Resources Board.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1307**—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 607**—An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance.

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "ninety-five thousand dollars (\$95,000)", and insert "forty-five thousand dollars (\$45,000)".

**Amendment No. 2**

On page 1, line 7, of said bill, after "Colleges", insert ", to be expended in accordance with the Property Acquisition Act".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1030**—An act relating to forestry, to provide for the purchase of forest practice demonstration areas in the pine and redwood regions, for compensating the counties in which such areas are situated for loss of taxes, for reforestation and management of such areas, for demonstrating forest practices, for making surveys and appraisals, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, lines 10 and 11, of the printed bill, strike out "The sum of five hundred thousand dollars (\$500,000)", and insert "The sum of four hundred thousand dollars (\$400,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 934**—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 264**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 541**—An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol.

Bill read second time.



## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

## Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 11, inclusive, and insert "117. Promotions. All appointments to the grades of chief, assistant chief, supervising inspector, district inspector, inspector, captain, and sergeant shall be made from eligible lists resulting from promotional examinations of persons in the next lower grades. For the purposes of examinations for chief, the grades of assistant chief, supervising inspector, and district inspector shall be considered equal. For the purposes of examinations for assistant chief, the grades of supervising inspector and district inspector shall be considered equal. Whenever any".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 85**—An act to amend Section 4750 and to add Sections 4751, 4752, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

Bill read third time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

## Amendment No. 1

On page 1, lines 16 to 18, of the printed bill, as amended, strike out "has a permanent disability or impairment incurs such additional permanent disability through injury that", and insert "is permanently partially disabled by reason of the loss of, or loss of use of, a hand, an arm, a foot, a leg, or an eye receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone, and".

## Amendment No. 2

On page 2, line 30, of said bill, as amended, strike out "three", and insert "two".

## Amendment No. 3

On page 2, line 31, of said bill, as amended, strike out "(\$300,000)", and insert "(\$200,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 453**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

## Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "does".

## Amendment No. 2

On page 1 of said bill, strike out lines 9 and 10, and insert "during the month of October, 1945, shall".

## Amendment No. 3

On page 1 of said bill, strike out lines 17 to 22, inclusive.

## Amendment No. 4

On page 2, line 1, of said bill, strike out "100.00", and insert "\$60.00".

**Amendment No. 5**

On page 2, line 2, of said bill, strike out "83.33", and insert "45.00".

**Amendment No. 6**

On page 2, line 3, of said bill, strike out "66.67", and insert "30.00".

**Amendment No. 7**

On page 2, line 4, of said bill, strike out "50.00", and insert "15.00".

**Amendment No. 8**

On page 2 of said bill, strike out lines 6 to 25, inclusive.

**Amendment No. 9**

On page 2, line 27, of said bill, strike out "3", and insert "2".

**Amendment No. 10**

On page 2, lines 28 and 29, of said bill, strike out "does not exceed three hundred dollars (\$300)".

**Amendment No. 11**

On page 2, line 30, of said bill, strike out "January 1, 1946", and insert "November 1, 1945".

**Amendment No. 12**

On page 2, line 31, of said bill, strike out "fifty dollars (\$50)", and insert "fifteen dollars (\$15)".

**Amendment No. 13**

On page 2 of said bill, strike out lines 32 to 36, inclusive.

**Amendment No. 14**

On page 2 of said bill, strike out line 43, and insert "four thousand six hundred and eighty dollars (\$4,680) in".

**Amendment No. 15**

On page 2 of said bill, following line 45, insert

"SEC. 4. This act shall not apply to any officer or employee whose rate of compensation was increased on or after July 1, 1945."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1302**—An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591, and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 3, line 24, of the printed bill, as amended, strike out "fifty thousand", and insert "one hundred seven thousand five hundred twenty-eight".

**Amendment No. 2**

On page 3, line 25, of the printed bill, as amended, strike out "(\$50,000)", and insert "(\$107,528)".

**Amendment No. 3**

On page 2 of the printed bill, as amended, between lines 16 and 17, insert

"This chapter shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 362**—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 700**—An act to amend Section 432.6, and to repeal Sections 990.2, 990.3, 990.4, 990.5, 990.6, and 990.7 of the Fish and Game Code, relating to licenses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1213**—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1214**—An act to amend Sections 728 and 736 and to repeal Section 738.5 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2152**—An act to amend Section 520 of, and to add Sections 520.2, 520.3, and 545 to, the Fish and Game Code, relating to waters in this State and the protection of fish therein.

Bill read second time, and ordered to third reading.

**Assembly Constitutional Amendment No. 28**—A resolution to be proposed to the people of the State of California an amendment to the Constitution of the State, by repealing Section 12 of Article XIII thereof, relating to the levy and collection of an annual educational poll tax.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 2 of the title of the printed measure, strike out "be proposed", and insert "propose".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 2204**—An act to amend Section 6011 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 6011 of", and insert "add Section 6011.5 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 21, inclusive; and on page 2 strike out lines 1 to 18, inclusive; in line 19, strike out "(f)", and insert

"SECTION 1. Section 6011.5 is added to the Revenue and Taxation Code, to read: 6011.5. In addition to other amounts excluded therefrom "sales price" does not include".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1428**—An act to amend Section 9606 of and to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1553**—An act to amend Section 736.3 of the Agricultural Code, relating to stabilization and marketing plans.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1109**—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 677**—An act to amend Sections 2, 3, 4, 6, 7, and 9 of "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provision thereof," approved June 3, 1921, relating to the sale and return of bakery products.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 4, line 41, of the bill, as amended, after "dollars", strike out the comma and insert a period.

**Amendment No. 2**

On page 4, line 41, of said bill, strike out "and each day's con-".

**Amendment No. 3**

On page 4 of said bill, strike out all of lines 42, 43 and 44.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Sections 11001 and 26251 of the Health and Safety Code, all



relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

In line 6 of the title of the printed bill, as amended, strike out "Sections 11001 and", and insert "Section".

##### Amendment No. 2

On page 2, line 14, of said bill, after "animals", insert "(other than man)".

##### Amendment No. 3

On page 2, line 21, of said bill, strike out "animal", and insert "the purpose of treating animals (other than man)".

##### Amendment No. 4

On page 2, line 22, of said bill, strike out "treatment purposes only".

##### Amendment No. 5

On page 3, line 16, of said bill, strike out the comma and insert "and of the".

##### Amendment No. 6

On page 3 of said bill, strike out line 17, and insert "tion."

##### Amendment No. 7

On page 3, line 24, of said bill, strike out "Any violation of this section is a misdemeanor."

##### Amendment No. 8

On page 3, line 40, of said bill, after "prescription", insert "for".

##### Amendment No. 9

On page 5, line 13, of said bill, strike out "digitalis,".

##### Amendment No. 10

On page 5, line 16, of said bill, strike out "cantharides,".

##### Amendment No. 11

On page 5, line 17, of said bill, strike out "santonin,".

##### Amendment No. 12

On page 5, line 18, of said bill, strike out "aconite,".

##### Amendment No. 13

On page 6, of said bill, strike out lines 3 to 27, inclusive.

##### Amendment No. 14

On page 6, line 28, of said bill, strike out "SEC. 4", and insert "SEC. 3".

##### Amendment No. 15

On page 6, line 47, of said bill, after "limited", insert "by subdivision (h) of Section 29001 and".

##### Amendment No. 16

On page 6, line 48, of said bill, strike out "SEC. 5", and insert "SEC. 4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1437**—An act to amend Section 10204 of the Government Code, relating to the salary of the Legislative Counsel.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 939**—An act to amend Section 23 of, and to add Section 23.1 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, and revising the fees and penalties payable by credit unions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 3, line 16, of the printed bill, as amended, after "administration", insert "of this act, including examinations and supervision,".

**Amendment No. 2**

On page 3, line 39, of said bill, after "performed," insert "or whenever the commissioner performs any of the duties set forth in Sections 23.2, 23.3, 23.4 or 23.5 of this act,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1157**—An act to add Section 23.1 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to costs of examination, audit or investigation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2074**—An act to amend Sections 1 and 19 of, and to add Sections 2.5 and 19.5 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision" approved March 31, 1927, relating to the regulation of credit unions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 873**—An act to amend Sections 3502 and 4702 and to repeal Sections 3501, 4703, 4704, 4705 and 4706 of the Labor Code, all relating to death benefits.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

In line 2 of the title, of the printed bill, as amended, strike out "Sections 3502 and 4702 and"; and strike out all of line 3; and in line 4, strike out "of", and insert "Section 4702 of, and to add Section 4702.5 to,".

**Amendment No. 2**

On page 1 of said bill, strike out line 3, and insert "4702. Except as otherwise provided by Section 4702.5, the death benefit shall be a sum sufficient to equal:

(a) In a case of total dependency, three and one-half times the average annual earnings of the deceased employee.

(b) In a case of partial dependency only, three and one-half times the amount annually devoted to support of the dependents by the employee.

The death benefit shall be paid in installments in the same manner and amounts as disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders. Except as provided in the next paragraph, and in Section 4702.5, the death benefit, when added to all accrued disability indemnity, shall not exceed three and one-half times the average annual earnings of the

employee as limited in Section 4452, nor exceed the sum of \$6,000, except as otherwise provided in Sections 4553 and 4554. For a total dependency the minimum death benefit shall be \$2,000.

If death occurs within 12 months after injury, disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit.

SEC. 2. Section 4702.5 is added to the Labor Code, to read:

4702.5. In addition to all other benefits provided by this article, each dependent child, posthumous child, adopted child or stepchild of the employee shall receive 10 per cent of the average weekly earnings until such child reaches the age of 18 years."

**Amendment No. 3**

On page 1 of said bill, strike out lines 4 to 27, inclusive.

**Amendment No. 4**

On page 2 of said bill, strike out lines 1 to 52, inclusive; and strike out page 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**Assembly Bill No. 646**—An act to add Article 4.5 to Chapter 13, Article 3 to Chapter 14, and Article 1.5 to Chapter 15, all of Division 3 of the Education Code, all relating to the support of the public school system, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Article 4.5 to Chapter 13," and insert "Chapter 13.6 to,".

**Amendment No. 2**

In line 2 of the title of said bill, strike out the first comma, and insert "of".

**Amendment No. 3**

In line 2 of the title of said bill, strike out ", all of", and insert "of,".

**Amendment No. 4**

On page 1, line 1, of said bill, strike out "Article 4.5 is added to Chapter 13 of", and insert "Chapter 13.6 is added to".

**Amendment No. 5**

On page 1, line 4, of said bill, strike out "Article 4.5.", and insert "Chapter 13.6".

**Amendment No. 6**

On page 1, line 7, of said bill, strike out "6981", and insert "7010".

**Amendment No. 7**

On page 1, line 7, of said bill, after "shall", insert "on or before the last day of each month".

**Amendment No. 8**

On page 1, line 12, of said bill, strike out "6982", and insert "7011".

**Amendment No. 9**

On page 1, line 14, of said bill, after "more", insert a comma.

**Amendment No. 10**

On page 1, line 15, of said bill, after "in", insert "the regular day classes of".

**Amendment No. 11**

On page 1, line 16, of said bill, strike out "school".

**Amendment No. 12**

On page 1, line 18, of said bill, after "more", insert "in excess".

**Amendment No. 13**

On page 1, line 19, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 14**

On page 1, line 20, of said bill, strike out "6983", and insert "7012".

**Amendment No. 15**

On page 2, line 9, of said bill, strike out "6984", and insert "7013".

**Amendment No. 16**

On page 2, line 11, of said bill, strike out "each of".

**Amendment No. 17**

On page 2, line 14, of said bill, strike out "6985", and insert "7014".

**Amendment No. 18**

On page 2, line 14, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 19**

On page 2, line 16, of said bill, after "pupils", insert "in such classes".

**Amendment No. 20**

On page 2, line 16, of said bill, strike out "school".

**Amendment No. 21**

On page 2, line 19, of said bill, strike out "6986", and insert "7015".

**Amendment No. 22**

On page 2 of said bill, in line 20, strike out "10 days following the close of a school"; and strike out line 21; and in line 22, strike out "tion," and insert "the tenth day of each month".

**Amendment No. 23**

On page 2, line 22, of said bill, strike out "of the district", and insert "in the regular day classes of each elementary school district under his jurisdiction".

**Amendment No. 24**

On page 2, line 25, of said bill, after "district", insert "in such classes".

**Amendment No. 25**

On page 2, line 25, of said bill, strike out "school".

**Amendment No. 26**

On page 2, line 26, of said bill, after "more", insert "in excess".

**Amendment No. 27**

On page 2, line 26, of said bill, after "district", insert "in such classes".

**Amendment No. 28**

On page 2, line 34, of said bill, after "shall", insert "on or before the last day of each month".

**Amendment No. 29**

On page 2, line 41, of said bill, after "in", insert "the regular day classes of".

**Amendment No. 30**

On page 2, line 42, of said bill, strike out "school".

**Amendment No. 31**

On page 2, line 44, of said bill, after "more", insert "in excess of".

**Amendment No. 32**

On page 2, line 45, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 33**

On page 3, line 6, of said bill, strike out "each of".

**Amendment No. 34**

On page 3, line 11, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 35**

On page 3, line 12, of said bill, strike out "school".

**Amendment No. 36**

On page 3, line 13, of said bill, after "pupils", insert "in such classes".

**Amendment No. 37**

On page 3, line 15, of said bill, strike out "school".

**Amendment No. 38**

On page 3, line 17, of said bill, strike out "10 days following the close of a school"; strike out line 18 and insert "the tenth day of each month".



**Amendment No. 39**

On page 3, line 19, of said bill, strike out "the district", and insert "in the regular day classes of each high school district under his jurisdiction".

**Amendment No. 40**

On page 3, line 22, of said bill, strike out "school".

**Amendment No. 41**

On page 3, line 23, of said bill, after "more", insert "in excess of".

**Amendment No. 42**

On page 3, line 23, of said bill, after "district", insert "in such classes".

**Amendment No. 43**

On page 3, line 31, of said bill, after "shall", insert "on or before the last day of each month".

**Amendment No. 44**

On page 3, line 38, of said bill, after "in", insert "the regular day classes of".

**Amendment No. 45**

On page 3, line 39, of said bill, strike out "school".

**Amendment No. 46**

On page 3, line 41, of said bill, after "more", insert "in excess".

**Amendment No. 47**

On page 3, line 42, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 48**

On page 4, line 5, of said bill, strike out "each of".

**Amendment No. 49**

On page 4, line 8, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 50**

On page 4, line 10, of said bill, after "pupils", insert "in such classes".

**Amendment No. 51**

On page 4, line 10, of said bill, strike out "school".

**Amendment No. 52**

On page 4, line 14, of said bill, strike out "10 days following the close of a school"; and strike out line 15, and insert "the tenth day of each month".

**Amendment No. 53**

On page 4, line 16, of said bill, strike out "of the district", and insert "in the regular day classes of each junior college district under his jurisdiction".

**Amendment No. 54**

On page 4, line 20, of said bill, after "more", insert "in excess of".

**Amendment No. 55**

On page 4, line 20, of said bill, after "attendance", insert "in the regular day classes".

**Amendment No. 56**

On page 4, line 21, of said bill, after "year", insert "in such classes".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**MOTION TO READ SENATE BILLS SECOND TIME**

Senator DeLap moved that all Senate Bills reported from committees on this date be given second reading.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1284**—An act to add Section 751.1 to the Code of Civil Procedure, relating to actions to quiet title to real property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1304**—An act to validate certain acts relating to the acquisition and disposition of property securing any defaulted payment of any installment on any assessment or reassessment under the Improvement Bond Act of 1915.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 415**—An act to amend Section 7.5 of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, sales of real property by the State and the reimbursement of counties for costs and expenses expended.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 7.5 of", and insert "add Section 8.5 to".

##### Amendment No. 2

In the title of said bill, strike out lines 13, 14, and 15, and insert "to statutes of limitation, and declaring the effect of this law."

##### Amendment No. 3

On page 1, line 1, of said bill, strike out "7.5 of", and insert "8.5 is added to".

##### Amendment No. 4

On page 1, line 2, of said bill, strike out "is amended".

##### Amendment No. 5

On page 1 of said bill, strike out lines 3 to 13, inclusive, and insert "SEC. 8.5. No statute of limitations shall apply or operate as a bar to any escheat action or proceeding now pending or hereafter commenced pursuant to the provisions of this act.

SEC. 2. The amendment made by this act does not constitute a change in, but is declaratory of, the pre-existing law."

##### Amendment No. 6

On page 2 of said bill, strike out lines 1 to 37, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1053**—An act to amend Section 261-B of the Code of Civil Procedure, relating to filing and appearance fees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 627**—An act to amend Section 20651 of the Education Code, relating to California Polytechnic School.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1 of the printed bill, beginning in line 9, strike out "professional and".

**Amendment No. 2**

On page 1, line 12, of said bill, strike out "and agricultural".

**Amendment No. 3**

On page 1, line 13, of said bill, strike out "through education, research, and experimentation".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 3.3 to Article IX of said Constitution, relating to county superintendents of schools.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In the title of the printed bill, beginning in line 4, strike out "superintendents of schools", and insert "boards of education".

**Amendment No. 2**

On page 1, line 10, of said bill, strike out "(1)".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "and (2) for the "; and strike out line 13 and insert a period.

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 1063**—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to amend Chapter 2, Article 1, Section 5151 of the Education Code; to repeal Articles 2, 3 and 4 comprising Section 6926 to and including 6979 of the Education Code, all relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 3, line 13, of the printed bill, insert "(f) Each unit allowed in (a), (b), (c), (d) and (e), above, shall be multiplied by the following:".

**Amendment No. 2**

On page 4, line 7, of the printed bill, after "program", insert "provided that the aforesaid balance shall in no case be less than fifty per cent of the Foundation Program determined under Article 1 of this chapter."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 793**—An act to add Section 749.5 to the Code of Civil Procedure, relating to determination of adverse claims to real property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 34, of the printed bill, as amended, after "Procedure", insert "Streets and Highways Code".

**Amendment No. 2**

On page 2, lines 39 and 40, of said bill, strike out "expired more than 3 years and taxes are delinquent and unpaid for 14 years or more", and insert "to foreclose such liens issued prior to the effective date of the addition of this section to the Code of Civil Procedure expired more than 3 years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 622**—An act to amend Section 1191, 1192a, and 1203c of, and to add Section 1192b to the Penal Code, relating to the procedure prior to the pronouncement of judgment in criminal cases.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 48, of the printed bill, as amended, after "convicted", insert "providing the defendant is a resident of this State or the prior crime or crimes were committed in this State".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Hatfield asked for, and was granted unanimous consent to have the following statement regarding Senate Bill No. 285, printed in the Journal.

June 7, 1945

In view of the opinion of Fred B. Wood, Legislative Counsel, dated June 2, 1945, addressed to Hon. Nelson S. Dilworth and Hon. George J. Hatfield, and read and printed in the Senate Journal on June 2, 1945, we the undersigned co-authors of Senate Bill No. 285 do not intend to press passage of said bill as amended on April 9, 1945.

SENATOR CHARLES BROWN  
SENATOR HAROLD J. POWERS  
SENATOR IRWIN T. QUINN  
SENATOR BEN HULSE  
SENATOR H. E. DILLINGER  
SENATOR NELSON S. DILWORTH  
SENATOR GEORGE J. HATFIELD

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Biggar moved that the report of the Senate Interim Committee on the Study of Public Education in the State of California be printed



in Journal of Monday, June 11, and that 500 additional copies of the report be printed.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 54**—An act to add Section 20464 to the Government Code, relating to the State Employees' Retirement System, and providing for the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 332**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 271**—An act to amend Sections 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

##### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 272**—An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Shelley, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 511**—An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 849**—An act to add Section 5009 to the Education Code, relating to audits and making an appropriation to the Department of Finance therefor, to take effect immediately.

Bill read third time.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 849.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 3.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1287**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the eleven western States and to provide for the distribution and utilization thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 5**—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Contra Costa, Inyo, Kings, Placer, San Benito and Tuolumne Counties, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.10 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 849 passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Ward, and Weybret—28.

**NOES**—Senators Burns, Dorsey, Jespersen, McBride, Parkman, Shelley, Sutton, and Tenney—8.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1976**—An act to add Section 59.6 to the Alcoholic Beverage Control Act, relating to the hours of sale of alcoholic beverages, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Collier.

#### Previous Question

Senator Cunningham moved the previous question.

Motion carried.

The question being on the adoption of the urgency clause.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—Senator Rich—1.

**Motion to Reconsider**

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 1976 was passed.

**Postponement of Reconsideration**

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1976 was passed, was continued until the next legislative day.

**Senate Bill No. 941**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tenney, Ward, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 611**—An act to provide State assistance of local agencies for the control of mosquitoes, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1006**—An act to add Section 572.5 to the Military and Veterans Code, relating to clothing and equipage allowances for officers and warrant officers of the California State Guard and making an appropriation therefor.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1003**—An act to add Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 22041, of the Education Code, and to amend Section 9791 of the Government Code, relating to the distribution of State publications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 880**—An act to amend Section 22003 of the Education Code, relating to the State Librarian.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Weybret—26.

NOES—Senators Donnelly, Judah, and Shelley—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 944**—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Sutton, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1018**—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, and Sutton—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1019**—An act providing for the maintenance and operation of State cerebral palsy schools and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, and Slater—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1020**—An act relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for a State cerebral palsy school and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, and Slater—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1021**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1022**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Tenney—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1031**—An act making an appropriation for the acquisition of real property, and authorizing the exchange of real property for Chico State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 803**—An act to provide for basic topographic mapping of the State of California and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1033**—An act making an appropriation to the Division of Forestry for making surveys and appraisals of lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—Senator DeLap—1.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Senate Bill No. 1256**—An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1262**—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "four hundred dollars (\$400)", and insert "eight hundred dollars (\$800)".

**Amendment No. 2**

On page 2, lines 10 and 11, of said bill, strike out "other than regular contributions by relatives legally responsible under this act".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 25**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1292**—An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 220**—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

**Motion to Reconsider**

Senator Desmond moved that his motion to reconsider the vote whereby Assembly Bill No. 220 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—34.

NOES—None.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 671**—An act to amend Section 2631 of the Elections Code, relating to sponsor list.

**Motion to Reconsider Assembly Bill No. 671**

Pursuant to his motion previously made, Senator Desmond moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 671 was refused passage.



The roll was called, and Assembly Bill No. 671 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—34.

NOES—None.

#### Further Consideration of Assembly Bill No. 671

**Assembly Bill No. 671**—An act to amend Section 2631 of the Elections Code, relating to sponsor list.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1765**—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

And appointed Messrs. O'Day, Collins, Geo. D., and Geddes as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Shelley, Carter, and Fletcher as a Senate Committee on Conference concerning Assembly Bill No. 1765 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1765

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 19, 1945, be further amended as follows:

#### Amendment No. 1

On page 1, lines 5, 6 and 7, of the printed bill, as amended, strike out "and in each county or city and county having a population of not less than 275,000 inhabitants but not more than 325,000 inhabitants", and insert a comma.

SHELLEY  
CARTER  
FLETCHER

Senate Committee on Conference

ROSENTHAL  
O'DAY  
COLLINS, GEORGE D.

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater Tenney, Ward, and Weybret—36.

**NOES**—None.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 1109**

Senator Crittenden moved that Assembly Bill No. 1109 be re-referred to Committee on Agriculture.

Motion carried.

**MOTION TO RE-REFER SENATE BILL NO. 931**

Senator Quinn moved that Senate Bill No. 931 be re-referred to Committee on Fish and Game.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator McBride moved that Senate Bill No. 1208 be taken from the inactive file and placed on the second reading file.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1208**—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

Bill read second time, ordered engrossed, and to third reading.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1193**

Senator Breed moved that Assembly Bill No. 1193 be withdrawn from Committee on Institutions and referred to Committee on Governmental Efficiency.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Dillinger moved that Senate Bill No. 1246 be taken from the inactive file and placed on the second reading file.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1246**—An act to amend Section 4277 of the Political Code, relating to compensation for public service.

Bill read second time, ordered engrossed, and to third reading.

**MOTION TO RE-REFER SENATE BILL NO. 831**

Senator Dilworth moved that Senate Bill No. 831 be re-referred to Committee on Public Health and Safety.

Motion carried.

**MOTION TO EXCUSE COMMITTEE**

At 4.58 p.m. Senator Cunningham moved that the Committee on Local Government be excused, at this time, for the purpose of holding a committee meeting.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1400

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bill was read the first time:

**Assembly Bill No. 1400**—An act making an appropriation to pay the claim of the Secretary of the State Board of Control against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Finance.

**REPORTS OF STANDING COMMITTEES****Committee on Institutions**

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 1740

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 2189

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 1; not voting 1.

BREED, Chairman

Above reported bill ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 585

Assembly Bill No. 1932

Assembly Bill No. 112

Assembly Bill No. 2040

Assembly Bill No. 1874

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 58

Senate Concurrent Resolution No. 62

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

**Committee on Social Welfare**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 705

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Joint Resolution No. 31

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 713

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 867

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 995

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bill ordered to second reading.



**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 45

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolution ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 217**—An act to add Section 4050 to the Public Resources Code, relating to fire protection, and prescribing the powers and duties of the State and of county boards of supervisors in connection therewith;

**Senate Bill No. 586**—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts;

**Senate Bill No. 705**—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure;

**Senate Bill No. 713**—An act to amend Section 104.5, 1624, 1625, 2304, 2305, 2355, and 2356 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare;

**Senate Bill No. 715**—An act to amend Sections 1584, 1597 and 1663 and to repeal Sections 1598 and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 719**—An act to amend Section 7570 and to repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Professional and Vocational Standards;

**Senate Bill No. 736**—An act to add Section 1094.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions;

**Senate Bill No. 737**—An act to amend Section 102 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, and relating to the employment of hearing officers and the continued study of administrative procedure;

**Senate Bill No. 740**—An act to amend Sections 120, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, and 1254, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, relating to administrative procedure affecting various businesses in the agricultural field;

**Senate Bill No. 1241**—An act to add Sections 682 to 695, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1111

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 196

Senate Bill No. 509

Senate Bill No. 343

Senate Bill No. 546

Senate Bill No. 436

Senate Bill No. 926

Senate Bill No. 440

Senate Bill No. 1003

And reports the same correctly engrossed.

SEAWELL, Chairman

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 585**—An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to special funds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Concurrent Resolution No. 58**—Relative to the creation of the California Forestry Study Committee.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 13, of the printed bill, strike out "five", and insert "four".

**Amendment No. 2**

On page 1, line 31, of the printed bill, strike out "1068", and insert "1086".

**Amendment No. 3**

On page 2, line 44, of the printed bill, strike out "twenty-five thousand dollars (\$25,000)", and insert "twenty thousand dollars (\$20,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Concurrent Resolution No. 62**—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 19, of the printed measure, strike out "four", and insert "five".

**Amendment No. 2**

On page 3, line 1, of said measure, strike out "fifteen thousand dollars (\$15,000)". and insert "ten thousand dollars (\$10,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 867**—An act to amend Section 2224 of the Welfare and Institutions Code, relating to aid to the aged, and modifying the procedures in connection with relative's responsibility to contribute to the support of recipients thereof.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out "as to his assets and liabilities and".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 995**—An act to repeal Section 5016.6 of the Business and Professions Code, relating to the educational requirements for admission to the examination for a certified public accountant.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

## Amendment No. 1

Strike out lines 1 to 3 of the title of the printed bill, and insert

"An act to amend Sections 5016.6 and 5017.3 of the Business and Professions Code, relating to educational and other requirements for a certified public accountant."

## Amendment No. 2

On line 2 of said bill, strike out "repealed," and insert "amended to read: 5016.6. An applicant for admission to the examination for a certified public accountant shall comply with one of the subdivisions of this section:

[ (a) Until January 1, 1942, he shall comply with either of the following:

(1) He shall present evidence that he has completed courses in English grammar and composition and in mathematics equivalent to those courses required for admission to the University of California or to an institution of similar standing.

(2) He shall show that he has had the equivalent of the educational qualifications required by paragraph (1) of this subdivision by successfully passing a preliminary written examination given by the board and approved by the State Director of Education.

(b) From January 1, 1942, to January 1, 1944, he shall comply with either of the following:

(1) He shall present evidence that he has completed a four-year high school course which included three years of English and two years of mathematics.

(2) He shall show that he has had the equivalent of the educational qualifications required by paragraph (1) of this subdivision by successfully passing a preliminary written examination given by the board and approved by the State Director of Education.

(c) On and after January 1, 1944, he shall comply with any one of the following:

(1) He shall present evidence that he has completed a four-year high school course, which included three years of English and two years of mathematics, and in addition that he has completed two years of work of college grade study in arts or business science which included at least six units of English composition.

(2) He has been graduated from a junior college of recognized standing.

(3) He shall show that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subdivision by successfully passing a preliminary written examination given by the board and approved by the State Director of Education.]

(1) He shall present satisfactory evidence that he has successfully completed a four year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four year day high school course or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subsection, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education.

Provided, that until December 31, 1955, the board shall waive the requirements of two years college study provided for in subsection (1) of this section, or graduation from a junior college provided for in subsection (2) of this section if applicant has been in practice as a public accountant, or in the practice of public accounting in the employ of a public accountant or certified public accountant, or has been engaged in governmental accounting or auditing in the employ of any governmental agency, for at least six years preceding the date of application.

Where an applicant takes the preliminary examination he shall pay the preliminary examination fee.

SEC. 2. Section 5017.3 of the Business and Professions Code is amended to read:

5017.3. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a firm of certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified public accountant or a firm of certified public accountants.

(c) Four years of public accounting work in cases in which none of the work has been done in the employ of a certified public accountant or firm of certified public accountants.



(d) Experience in governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be equivalent to the requirements of subsection (a), (b), or (c) hereof, provided, that the length of time as may be determined by the board in any case shall not exceed four years.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were offered:

**Senate Concurrent Resolution No. 66:** By Senators Tenney, Burns, Dilworth, Weybret, McCormack, Parkman, Hatfield, Quinn, Cunningham, Desmond, Judah, Biggar, Gordon, Mixer, Collier, and Breed—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 67:** By Committee on Rules—Relative to adding Section 37.5 to the Joint Rules in the Senate and Assembly relative to the Legislative Budget Committee.

Above resolution ordered placed on third reading.

#### RESOLUTIONS

The following resolution was offered:

By Senator Tenney:

##### **Senate Resolution No. 130**

Relative to the Creation of a Senate Fact-Finding Committee on Un-American Activities in California to Investigate the Activity of Persons and Groups Known or Suspected to Be Foreign Dominated or Controlled and to Recommend Legislation for Their Regulation

WHEREAS, These are yet times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist attack from without and within. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our freedom by force, violence, threats, undermining and sabotage, and to subject us to the domination of foreign powers and ideologies; and

WHEREAS, There is danger that the ordeal through which the country has suffered to keep the pursuit of its ideals free may be in vain; and

WHEREAS, Persons and groups, motivated by hatred of American ideals, our republican form of government and democratic processes, some bound together by allegiance to foreign powers, are even now seeking to achieve by subversion what we have so valiantly fought to sustain from force; and

WHEREAS, California, as one of the laboratories of this great Nation, may profitably study the problem within its boundaries, and enact pertinent legislation therein, if facts are available therefor; and

WHEREAS, State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee, now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Joint Fact-Finding Committee on Un-American Activities is hereby created, authorized, appointed and directed to investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to the foregoing, including any facts causing or constituting interference with the National defense program or the war effort in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially.

2. In addition to other duties imposed upon the committee, the committee shall investigate and study the activities of groups and organizations whose membership include persons who are members of organizations who have as their objectives, or part of their objectives, the overthrow of the governments of the State of California or of the United States by force and violence or other unlawful means; to investigate and study all organizations known or suspected to be dominated or controlled by a foreign power which activities affect the conduct of this State in National defense or in its war



effort, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by public funds, or any political program, or which may affect the conversion of the State from a wartime economy to a peacetime economy or affect the economic and social problems incidental thereto, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature.

3. In addition to the foregoing, the Joint Fact-Finding Committee on Un-American Activities is authorized and directed to ascertain, study and analyze all facts relating to the activities of persons and groups known or suspected to be dominated or controlled by a foreign power, and who owe allegiance thereto because of religious, racial, political, ideological, philosophical, or other ties, including but not limited to the influence upon all such persons and groups of education, economic circumstances, social positions, fraternal and casual associations, living standards, race, religion, political, ancestry and the activities of paid provocation and any other factors which may account for their conduct or condition their action, as well as the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

4. The committee consists of five members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

5. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until final adjournment of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

6. The committee and its members shall have and exercise all rights, duties and powers conferred upon investigating committees and their members by the provisions of the Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

7. The California Highway Patrol and all officers and members thereof shall furnish such assistance to the committee as the chairman may direct.

8. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership, and to employ and fix the compensation of a secretary and such clerical, investigative, expert and technical assistants as it may deem necessary.

(b) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purposes of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

(c) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee.

(f) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony.

(g) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(h) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(i) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

9. The committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths.

10. Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created.

11. The sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate for the expenses of the committee and its members and for any charges, expenses or claims

it may incur under this resolution, to be paid from said Contingent Fund, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

The following resolution was offered:

By Senator Salsman:

**Senate Resolution No. 131**

**Relative to the creation of a Senate Interim Committee on Prepayment of Medical and Hospital Care**

WHEREAS, The cost of medical and hospital care limits its availability to many, and inflicts serious financial damage to others, thus rendering the people of the State physically or economically less fit; and

WHEREAS, Programs for the prepayment of such costs have been devised and recommended, and the Legislature will again at its next session be confronted with similar measures, in which there is a large popular interest, and will be required to take such action as the facts revealed to it warrant, and

WHEREAS, More pertinent facts can be considered by the Legislature if the opinions, practices, and arguments of those interested are first weighed and tested by an investigating committee; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Interim Committee on Prepayment of Medical and Hospital care is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the cost of adequate medical and hospital care and the relationship of that cost toward its availability, and the effect of such cost on the health and happiness of the people; the extent to which programs of private groups and organizations afford such care, the equity of the distribution of the cost thereof, and the classes of persons who are eligible for or participation in such program; the desirability of the adoption of a program administered by the State, and the policies under which such a program should operate; and the experience of State operated plans in other countries; including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendation for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof, and vacancies occurring or existing in the membership of the committee shall be filled by the appointing officer.

3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice-chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**ADJOURNMENT**

At 5.08 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Friday, June 8, 1945.

JOHN F. LEA, Minute Clerk

**CALIFORNIA LEGISLATURE**

**FIFTY-SIXTH SESSION**

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**SENATE DAILY JOURNAL**

**NINETIETH LEGISLATIVE DAY**

**ONE HUNDRED FIFTY-SECOND CALENDAR DAY**

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**IN SENATE**

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**SENATE CHAMBER, SACRAMENTO**

**Friday, June 8, 1945**

The Senate met at 9.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jesse Landrum and Jack Calvey, members of Sacramento Pacific Coast League Baseball Club.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Dwight E. Stanford.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mabel English and Miss Shirley Hatfield of Reno.



## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, June 7, 1945

*To the Honorable Members of the Senate,  
State of California,  
Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

**Senate Bill No. 359**, entitled: "An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants."

My objections to this bill are as follows:

This bill would amend Section 643 and Section 644 of the Agricultural Code relating to sanitation of dairies and milk products plants. Inadvertently the bill would delete from Section 643 requirements for sanitation of containers, utensils, appliances and equipment, which were not intended to be omitted. Because of this error, arrangements have been made to amend the provisions of this bill into another bill still pending in the Legislature.

There is, therefore, no necessity for this bill, and it is agreed it should not become law due to the omission of essential sanitary regulations. The entire question has been discussed with the author, and he has consented to this bill being returned without my approval.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 359 ordered placed on unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 585

Senate Joint Resolution No. 31

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 264

Senate Bill No. 889

Senate Bill No. 934

Senate Bill No. 1026

Senate Bill No. 1053

Senate Bill No. 1197

Senate Bill No. 1284

Senate Bill No. 1304

Senate Bill No. 1306

Senate Bill No. 1307

Senate Bill No. 1296

And reports the same correctly engrossed.

SEAWELL, Chairman

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 9.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 785**—An act amending Section 56 of the Civil Code, relating to the granting of permission to minors to marry by the superior court.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 972**—An act to add Sections 1032.5 and 1033 $\frac{1}{4}$  to and to amend Section 1031 of the Code of Civil Procedure, relating to costs and interest after judgment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 973**—An act to add Section 682.1 to the Code of Civil Procedure, relating to the form of execution on money judgment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1087**—An act to add Section 538d to the Penal Code, relating to badges or insignia of peace officers.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 21, of the printed bill, after "than", insert "one who by law is given the authority of".

##### Amendment No. 2

On page 2, line 8, of said bill, after "of", insert "one who by law is given the authority of".

##### Amendment No. 3

On page 2, line 11, of said bill, strike out "to have a direct tendency to", and insert "would".

##### Amendment No. 4

On page 2, line 13, of said bill, after "use of", insert "one who by law is given the authority of".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2071**—An act to amend Section 259 of the Probate Code and to repeal Sections 259.1 and 259.2 of the Probate Code, relating to the rights of inheritance of aliens.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1943**—An act to amend Section 2957 of the Civil Code, relating to the validity of mortgages on personal property or crops.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2073**—An act to amend Section 726 of, and to add Section 732.5 to, the Welfare and Institutions Code, relating to the jurisdiction of the juvenile court and to proceedings therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1338**—An act to amend Sections 16687 and 16732 of the Education Code, relating to the employment of minors.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 13, of the printed bill, strike out "or never have existed.", and insert "or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the

minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1930**—An act to add Section 7303.5, 7307.5 and 7226.5 to the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education.

##### Amendment No. 1

In the title of the printed bill, as amended, beginning in line 1, strike out "add Sections 7303.5, 7307.5 and 7226.5 to", and insert "amend Sections 7303, 7306 and 7226 of, and to add Section 7307.5 to,".

##### Amendment No. 2

On page 1, of said bill, strike out line 1, and insert "SECTION 1. Section 7303 of the Education Code is amended".

##### Amendment No. 3

On page 1, line 3, of said bill, strike out "7303.5", and insert "7303".

##### Amendment No. 4

On page 1 of said bill, strike out lines 11 to 14, inclusive; and on page 2 strike out lines 1 to 3, inclusive.

##### Amendment No. 5

On page 2 of said bill, strike out lines 21 to 28, inclusive and insert "SEC. 3. Section 7226 of the Education Code is amended to".

##### Amendment No. 6

On page 2, line 30, of said bill, strike out "7226.5", and insert "7226".

##### Amendment No. 7

On page 2 of said bill, strike out lines 33 to 39, inclusive and insert "SEC. 4. Section 7306 of the Education Code is amended to read: "7306. In the computation of average daily attendance, *except in grades 13 and 14 of a junior college*, no pupil shall be credited with more than one day's attendance during any calendar day."

##### Amendment No. 8

On page 2 of said bill, strike out lines 48 to 52, inclusive; on page 3 strike out lines 1 to 5, inclusive and insert "in that the method now prescribed by law for the computation of average daily attendance in junior colleges upon which the apportionments of state funds is based does not accurately reflect the actual attendance of students upon the junior colleges. The existing inequity should be corrected at the earliest moment and it is therefore necessary that".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 825**—An act to amend Section 13841.1 of the Education Code, relating to leaves of absences for persons employed by school districts in positions requiring certification qualifications.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 956**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 958**—An act to amend Section 5216 of the Education Code, and to add Sections 6929.1 and 6931.1 to said code, all relating to the supervision of instruction in elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1098**—An act to amend Section 18192 of the Education Code, relating to the plans, supervision, and construction of school buildings and the definition of school building.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1383**—An act to repeal Section 6136, to add Section 6136, and to repeal Section 6137 and amend Section 6138 of the Education Code, relating to the cancellation of warrants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2193**—An act to add Article 10 to Chapter 1 of Division 5 of the Education Code, relating to courses of study.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 97**—An act to amend Section 105 of the Code of Civil Procedure, relating to justices' courts, city courts, and justices and judges thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary.

##### Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 6 to 12, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1339**—An act to amend Section 502 of the Vehicle Code, relating to the penalties for driving an automobile while under the influence of intoxicating liquor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1 of the printed bill, as amended, between lines 6 and 7 insert "SECTION 1. Section 502 of the Vehicle Code is amended to read:".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1740**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2189**—An act to add Section 6029 to the Penal Code, relating to plans and specifications for jails, prisons, and other places of detention.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 112**—An act to add Section 1288 to the Business and Professions Code, relating to clinical laboratories.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1874**—An act to amend Sections 8902, 8937, 8940, 8954, 8966, and 8970 of, and to add Sections 8971, 8972, 8973, 8974 and 8975 to, the Business and Professions Code, relating to the licensing of yacht and ship brokers and salesmen.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1932**—An act to amend Section 4174 of the Business and Professions Code, relating to pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2040**—An act to amend Section 7059 of, and to add Sections 7055, 7056, 7057 and 7058 to, the Business and Professions Code, relating to contractors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 705**—An act to amend Section 2181 of the Welfare and Institutions Code, and to add Sections 2181.001, 2181.002, and 2181.003 thereto, relating to aid to the aged.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

##### Amendment No. 1

On page 3, line 3, of the printed bill, as amended, after "ing," insert "income".

##### Amendment No. 2

On page 3, line 5, of the printed bill, as amended, after "obligations", add a comma.

##### Amendment No. 3

On page 3, line 6, of the printed bill, as amended, after "aid", add a comma.

##### Amendment No. 4

On page 3, line 13, of said bill, strike out the period and insert " , unless the earnings exceed the amount permitted under the "Relatives' Contribution Scale".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**Assembly Bill No. 713**—An act to add Section 2025 to the Welfare and Institutions Code, relating to the amount of aid to the aged.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 392**—An act to amend Sections 2c and 15 of the Los Angeles County Flood Control Act, relating to work and services performed for the Los Angeles County Flood Control District.

Bill read second time, and ordered to third reading.



**Assembly Joint Resolution No. 45**—Relative to memorializing Congress to express at this time its postwar policy in regard to Japanese owned or mandated islands in the Pacific.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

In the title of the printed measure, strike out lines 2 and 3, and insert "the President, Secretary of State, and the Congress to retain full control over Japanese owned or mandated islands in the Pacific which heretofore have been, or hereafter may be, captured by the United States in the course of the war."

**Amendment No. 2**

On page 1 of the said measure, strike out line 1, and insert

"WHEREAS, Numerous Japanese owned or mandated islands in the Pacific have been or hereafter will be captured by the United States in the course of the war; and

WHEREAS, Efforts are being made by influences detrimental to the best interests of our Country to transfer said islands, taken by us from the Japanese at bloody cost, to a so-called trusteeship dominated by foreign powers, thus depriving the United States of exclusive control of said islands; and

WHEREAS, It would be detrimental to the interests of the United States to allow the Pacific islands to be under the control of any foreign group; and

WHEREAS, The American people are demanding that these islands be retained as our outer line of defense and strongly resent any proposal to place these islands under foreign control; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of California hereby respectfully urges the representatives of the United States to stand firm for American rights so that no foreign power or group of powers may intervene in the management or control of said Japanese owned or mandated islands and that the United States retain full control thereof for the protection of our Country against the aggression of any foreign power or group of powers in the future; and be it further

*Resolved.* That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the Secretary of State, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States."

**Amendment No. 3**

On page 1 of said measure, strike out lines 2 to 18, inclusive; and strike out pages 2 and 3.

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 9.46 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)  
REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 1, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:  
That the amendments of the Assembly be concurred in and that the measure, as amended on May 4, 1945, be further amended as follows:

**Amendment No. 1**

On page 1, line 28, of the printed measure, as amended, strike out "Assembly and".

DILWORTH

JUDAH

KUCHEL

Senate Committee on Conference

WERDEL

FIELD

Assembly Committee on Conference

I dissent from the report above.

GEORGE D. COLLINS

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, providing for the handling and disposition of such money, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 251**—An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 265**—An act to authorize the Director of Finance to sell and convey certain real property, and making an appropriation of a portion of the proceeds thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 276**—An act to amend Sections 20750 and 20490 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 277**—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 172**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 307**—An act to provide for the acquisition of the site of the home of Louis Rubidoux in West Riverside in the County of Riverside as part of the State Park System, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 336**—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 364**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 414**—An act making an appropriation for the purpose of enforcing the provisions of the alien land laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 551**—An act making an appropriation for the purchase of land for the San Jose State College of the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 10 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Senate Bill No. 555**—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO READ SENATE BILLS SECOND TIME

Senator Powers moved that all Senate bill reported from committees on this date be given second reading.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 847

Senate Bill No. 1153

Senate Bill No. 860

Senate Bill No. 1300

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Concurrent Resolution No. 43

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Rules.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported resolution re-referred to Committee on Rules.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1228

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

SWING, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 874

Senate Bill No. 1225

Senate Bill No. 1224

Assembly Bill No. 1477

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

## Committee on Labor

## SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1376

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Vice Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 332

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Vice Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 876

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Vice Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Joint Resolution No. 12

Assembly Joint Resolution No. 48

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Vice Chairman

Above reported resolutions ordered to third reading.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1211

Senate Bill No. 1245

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 21

Assembly Bill No. 1384

Assembly Bill No. 413

Assembly Bill No. 1402

Assembly Bill No. 463

Assembly Bill No. 2164

Assembly Bill No. 1380

Assembly Bill No. 2183

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 2185

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 847**—An act to amend Section 142 of the State Civil Service Act, relating to the filing of performance reports.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "142 of the State Civil Service Act", and insert "19302 of the Government Code".

**Amendment No. 2**

In line 1 of the printed bill, strike out "142 of the State Civil Service Act", and insert "19302 of the Government Code".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 18, inclusive, and insert

"19302. Performance reports for each civil service employee shall be filed by appointing powers at such intervals as may be proved by board rules, at intervals of not less than six calendar months. The [rules shall provide that] employees shall be shown the performance report covering their own service and shall be privileged to discuss it with the appointing power before it is filed. The extent to which such ratings or performance reports shall be open to inspection by the public shall be prescribed by board rule.

"The wilful refusal or the failure without excusing circumstances to make or file such performance report by any person whose duty it is to do so is a misdemeanor, and such refusal or failure on the part of any civil service employee is cause for dismissal, demotion or suspension or other punitive action pursuant to the provisions of Article 3 of Chapter 8 of this part."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 860**—An act relating to the use of State automobiles and prescribing the reports required as to such use.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 3, of the printed bill, as amended, following "a", strike out "felony", and insert "misdemeanor"; and strike out lines 4 and 5.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1153**—An act to add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to the form of bonds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 10, of the printed bill, as amended, after "be", insert "on a form which form has been".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 20 to 23, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1300**—An act to amend the title and Sections 1, 2, 3, 4, 5 and 7 of an act entitled "An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to a Disaster Reserve and providing for its expenditure.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend the title and Sections 1, 2, 3, 4, 5 and 7 of", and insert "repeal".

**Amendment No. 2**

In lines 5 and 6 of the title of said bill, strike out "relating to a Disaster Reserve and providing for its expenditure", and insert "and providing for the reversion of the moneys in said Reserve to unappropriated moneys in the General Fund".

**Amendment No. 3**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. The act cited in the title hereof is repealed.

The emergency originally necessitating the passage of such act is no longer likely to occur in view of the extent to which the arms of the United States have prevailed against the enemy, and any other emergencies should be provided for by specific legislation relating thereto.

SEC. 2. On the effective date of this act the unencumbered balance of moneys appropriated by the act cited in the title hereof shall become unappropriated moneys in the General Fund."

**Amendment No. 4**

On page 1 of said bill, strike out lines 2 to 24, inclusive; and strike out page 2 of said bill.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 1228**—An act to repeal Section 13394, 13395, 13396, 13397, 13398, 13399 and 13400, of the Government Code and to add thereto Section 13394, relating to State purchases and the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 874**—An act to establish a Division of Economic Development and prescribing its purposes, powers, and duties; providing for the administration of the Division of Economic Development in connection with the State Reconstruction and Reemployment Commission; authorizing the Division of Economic Development to make investigations, reports, recommendations, and plans for, and to promote, the development of the economic activities of the State; and making an appropriation therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In the title of the printed bill, strike out lines 1 to 9, inclusive and insert

"An act to amend Sections 3, 4, and 6 of and to add Sections 4.5 and 4.8 to the State Reconstruction and Reemployment Act, relating to the State Reconstruction and Reemployment Commission, establishing with said commission the State Conservation and Planning Board and the State Economic Development Board, defining the powers and duties of such commission and such boards, and declaring a State policy."

#### Amendment No. 2

On page 1 of said bill strike out line 1 and insert

"SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

"Sec. 3. It is hereby declared to be the public policy of this State and the purpose of this act to prevent unemployment, conserve and develop the natural, social and economic resources of the State, promote development of new industries, create new markets; promote the reemployment of discharged service men and readjustment of displaced war workers, and the conversion of industry and commerce from war to peace standards, to provide for postwar adjustment and reconstruction, [and] to encourage economic and social improvement of the general public[.]; to promote the expansion of employment and the elevation of the standard of living and income of the people of this State and to promote the stability and expansion of the private enterprise economy of the State.

SEC. 2. Section 4 of said act is amended to read:

Sec. 4. There is hereby created the State Reconstruction and Reemployment Commission designated in this act as the commission, to consist of [nine members as follows:] *eighteen members, of whom nine shall be non-voting advisory members serving ex officio and nine voting members. The non-voting advisory members are the following:*

- (a) The Director of Public Works, chairman
- (b) Director of Finance, vice chairman
- (c) Director of Professional and Vocational Standards
- (d) President of the University of California, or his representative, with the approval of the Governor
- (e) Director of Natural Resources
- (f) Director of Agriculture
- (g) Director of Industrial Relations
- (h) Superintendent of Public Instruction
- (i) Executive Secretary of the Governor

*The other nine members shall be the members of the State Conservation and Planning Board and the State Economic Development Board.*

SEC. 3. Section 4.5 is added to said act, to read:

Sec. 4.5. The State Conservation and Planning Board is hereby created. This board shall consist of five members to be appointed by the Governor, with the advice and consent of the Senate. The members of the board shall so far as practicable be

persons who by their broad general experience and by professional and business training and experience are qualified to fulfill the duties prescribed by Section 19 of this act. They shall hold office for a term of four years; provided, however, that the first members appointed shall arrange by lot so that the term of one member thereof shall expire in two years, the terms of two members in three years, and of two members in four years. Any appointment to succeed a member whose term has not expired, shall be for the balance of the term. Members of the board shall receive no compensation for their services but shall be reimbursed the amount of their reasonable expenses incurred in the performance of their duties. No person shall be eligible to serve as a member of this board while holding any other State office or employment. The board shall have power to coordinate all local and regional plans and planning projects and to exercise the power of the State, as the legislative body may direct, over such projects. It shall exercise all powers with reference thereto heretofore exercised by the State Planning Board or its successor. One of the members of the State Conservation and Planning Board shall be designated by the Governor as chairman.

The Director of Reconstruction and Reemployment or one of his assistants designated by him shall be the director of conservation and planning.

The State Conservation and Planning Board shall be supported out of the funds appropriated for the support of the State Reconstruction and Reemployment Commission.

SEC. 4. Section 4.8 is added to said act, to read:

Sec. 4.8. The State Economic Development Board is hereby created. This board shall consist of the chairman of the State Conservation and Planning Board and four members appointed by the Governor with the advice and consent of the Senate. The members so appointed shall so far as practicable be persons who by general experience and training are qualified to represent the viewpoint of agriculture, labor, industry, and trade.

It shall be the duty of the State Economic Development Board:

(a) To collect, assemble, study, and analyze data concerning the existing markets for materials, commodities, and services produced by and through the activities of private enterprise in the State of California, including markets within the State, in other States, and in foreign nations:

(b) To relate such data to the volume of production of such materials, commodities, and services within the State, and to the potential capacity for such production;

(c) To foster, promote, and develop the expansion of markets for and trade in materials, commodities, and services which are produced or which can be efficiently produced by and through the activities of private enterprise in California;

(d) To cooperate with the appropriate departments of the Federal Government and of other States, and with appropriate State, county, and municipal agencies within the State of California, and with appropriate private organizations, agencies, groups or institutions, to effect the purposes of this act.

(e) To aid industry and industrial associations, labor organizations, and veterans organizations to establish coordinated community employment and reemployment agencies in the several localities of the State and to coordinate the activities of such agencies with State, Federal and other employment and reemployment agencies.

SEC. 5. Section 6 of said act is amended to read:

Sec. 6. Each *non-voting advisory* member of the commission shall act as chairman of a citizens advisory committee of five members selected by the Governor upon nomination by such member, and qualified as specialists in the respective fields of activity of this commission. Members of these advisory committees shall receive no compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder. The members of these advisory committees shall serve at the pleasure of the committee chairman."

#### Amendment No. 3

On page 1 of said bill, strike out lines 2 to 27; and strike out all of page 2.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1224**—An act to provide for the establishment of master and official plans in cities, cities and counties, and counties, and for the adoption of ordinances pursuant thereto; to prescribe the manner of adoption of such plans, portions thereof and amendments thereto, and the composition and effects thereof; to provide for the establishment and appointment of planning commissions by cities, cities and counties, and counties, for the creation of regional planning districts and the establishment and appointment of regional planning commis-

sions and the State Conservation and Planning Board and director of planning; to define the powers and duties of such commissions and the State Conservation and Planning Board and the director of planning, and to provide for the exercise of such powers; to provide for the levy of special taxes for the support of planning commissions, and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; and prescribing penalties for the violation thereof; and to repeal Chapter 331, Statutes of 1935, and the Planning Act of 1929, as amended, relating to planning commissions.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 2, line 26, of the printed bill, as amended, strike out the period and insert "unless the legislative body specifically provides that they shall have votes."

##### Amendment No. 2

On page 2, line 43, of the printed bill, as amended, strike out "be resolution", and insert "by resolution".

##### Amendment No. 3

On page 3 of said bill, between lines 1 and 2, insert "However, by a majority vote of the legislative body, any appointee member may be removed."

##### Amendment No. 4

On page 3, line 7, of said bill, strike out "ex officio", and insert "advisory".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1225**—An act to add Sections 4.4 and 4.5 to the Planning Act and Sections 5 and 6 to the State Conservation and Planning Act, relating to conservation and planning.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 6, of the printed bill, strike out "Advisory".

##### Amendment No. 2

On page 1, line 9, of said bill, strike out "advisory".

##### Amendment No. 3

On page 1, line 13, of said bill, strike out "Advisory".

##### Amendment No. 4

On page 1 of said bill, strike out lines 15 to 27, inclusive; and on page 2 strike out lines 1 to 21, inclusive, and insert

"SEC. 4.5. The State Conservation and Planning Board is hereby created. This board shall consist of five members to be appointed by the Governor with the advice and consent of the Senate. The members of the board shall so far as practicable be persons who by their broad general experience and by professional and business training and experience are qualified to fulfill the duties prescribed by Section 19 of this act. They shall hold office for a term of four years; provided, however, that the first members appointed shall arrange by lot so that the term of one member thereof shall expire in two years, the terms of two members in three years, and of two members in four years. Any appointment to succeed a member whose term has not expired, shall be for the balance of the term. Members of the board shall receive no compensation for their services but shall be reimbursed the amount of their reason-



able expenses incurred in the performance of their duties. No person shall be eligible to serve as a member of this board while holding any other State office or employment. The board shall have power to coordinate all local and regional plans and planning projects and to exercise the power of the State, as the legislative body may direct, over such projects. It shall exercise all powers with reference thereto heretofore exercised by the State Planning Board or its successor. One of the members of the State Conservation and Planning Board shall be designated by the Governor as chairman.

The Director of Reconstruction and Reemployment or one of his assistants designated by him shall be the director of conservation and planning.

The State Conservation and Planning Board shall be supported out of the funds appropriated for the support of the State Reconstruction and Reemployment Commission."

**Amendment No. 5**

On page 2, line 27, of said bill, strike out "Advisory".

**Amendment No. 6**

On page 2, line 30, of said bill, strike out "advisory".

**Amendment No. 7**

On page 2, line 34, of said bill, strike out "Advisory".

**Amendment No. 8**

On page 2 of said bill, strike out lines 37 to 52, inclusive; and on page 3, strike out lines 1 to 17, inclusive, and insert

"Sec. 6. The State Conservation and Planning Board is hereby created. This board shall consist of five members to be appointed by the Governor with the advice and consent of the Senate. The members of the board shall so far as practicable be persons who by their broad general experience and by professional and business training and experience are qualified to fulfill the duties prescribed by Section 19 of this act. They shall hold office for a term of four years; provided, however, that the first members appointed shall arrange by lot so that the term of one member thereof shall expire in two years, the terms of two members in three years, and of two members in four years. Any appointment to succeed a member whose term has not expired, shall be for the balance of the term. Members of the board shall receive no compensation for their services but shall be reimbursed the amount of their reasonable expenses incurred in the performance of their duties. No person shall be eligible to serve as a member of this board while holding any other State office or employment. The board shall have power to coordinate all local and regional plans and planning projects and to exercise the power of the State, as the legislative body may direct, over such projects. It shall exercise all powers with reference thereto heretofore exercised by the State Planning Board or its successor. One of the members of the State Conservation and Planning Board shall be designated by the Governor as chairman.

The Director of Reconstruction and Reemployment or one of his assistants designated by him shall be the director of conservation and planning.

The State Conservation and Planning Board shall be supported out of the funds appropriated for the support of the State Reconstruction and Reemployment Commission."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1211**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 12, of the printed bill, strike out "sixty", and insert "eighty"; and strike out "(\$265)", and insert "(\$285)".

**Amendment No. 2**

On page 1, line 14, of the printed bill, strike out "fifty", and insert "seventy".

**Amendment No. 3**

On page 1, line 15, of the printed bill, strike out "(\$255)", and insert "(\$275)".



**Amendment No. 4**

On page 1, line 16, of the printed bill, strike out "one hundred ninety-eight", and insert "two hundred eighteen".

**Amendment No. 5**

On page 1, line 17, of the printed bill, strike out "(\$198.75)", and insert "(\$218.75)".

**Amendment No. 6**

On page 1, lines 18 and 19, of the printed bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred fifteen (\$215)".

**Amendment No. 7**

On page 1, line 20, of the printed bill, strike out "one hundred eighty dollars (\$180)", and insert "two hundred dollars (\$200)".

**Amendment No. 8**

On page 1, lines 21 and 22, of the printed bill, strike out "one hundred sixty dollars (\$160)", and insert "one hundred eighty dollars (\$180)".

**Amendment No. 9**

On page 1, lines 23 and 24, of the printed bill, strike out "one hundred sixty dollars (\$160)", and insert "one hundred eighty dollars (\$180)".

**Amendment No. 10**

On page 1, line 26, of the printed bill, strike out "one hundred sixty dollars (\$160)", and insert "one hundred eighty dollars (\$180)".

**Amendment No. 11**

On page 2, line 1, of the printed bill, strike out "one hundred forty dollars (\$140)", and insert "one hundred sixty dollars (\$160)".

**Amendment No. 12**

On page 2, line 4, of the printed bill, strike out "two hundred forty dollars (\$240)", and insert "two hundred eighty-five dollars (\$285)".

**Amendment No. 13**

On page 2, lines 7 and 8, of the printed bill, strike out "two hundred fifteen dollars (\$215)", and insert "two hundred thirty-five dollars (\$235)".

**Amendment No. 14**

On page 2, line 10, of the printed bill, strike out "one hundred ninety dollars (\$190)", and insert "two hundred ten dollars (\$210)".

**Amendment No. 15**

On page 2, line 13, of the printed bill, strike out "one hundred sixty dollars (\$160)", and insert "one hundred eighty dollars (\$180)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1245**—An act to amend Sections 737b, 737c, and 737i of the Political Code, relating to judges' salaries.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "737b".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "737b", and insert "737c".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 6, inclusive.

**Amendment No. 4**

On page 1, lines 8 and 9, of said bill, strike out "----- dollars (\$-----)", and insert "seven thousand dollars (\$7,000)".

**Amendment No. 5**

On page 1, line 10, of said bill, strike out "SEC. 3", and insert "SEC. 2".

**Amendment No. 6**

On page 1, lines 12 and 13, of said bill, strike out "-----dollars (\$-----)", and insert "seven thousand dollars (\$7,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 610**—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 612**—An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 630**—An act to add Article 6, comprising Sections 5070 to 5077, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an advisory committee for that purpose; and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 795**—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 343**—An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 440**—An act making an appropriation for support of the State Printing Plant, State Department of Finance, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 509**—An act making an appropriation for the purchase of land for Stockton State Hospital.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 546**—An act reappropriating to the Director of Institutions for the purchase of land for Agnews State Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 436**—An act making an appropriation to the emergency fund specified in Item 275 of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 926**—An act making an appropriation to The Regents to the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 11 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.



**Senate Bill No. 1111**—An act to amend Sections 23, 24, and 20 of the Unemployment Insurance Act, relating to funds in the State treasury.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1305**—An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 850**—An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 48**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1306**—An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Terney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1026**—An act to amend Section 6503 of the Public Resources Code, relating to leases of public lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 303**—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1197**—An act to provide revenues to meet appropriations for the support of the Department of Motor Vehicles, by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof, and to amend Sections 776, 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Tenney, Ward, and Weybret—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 934**—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1307**—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1296**—An act making an appropriation for the support of the State Water Resources Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 264**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 362**—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sutton, Tenney, Ward, and Weybret—32.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1284**—An act to add Section 751.1 to the Code of Civil Procedure, relating to actions to quiet title to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1304**—An act to validate certain acts relating to the acquisition and disposition of property securing any defaulted payment of any installment on any assessment of reassessment under the Improvement Bond Act of 1915.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1053**—An act to amend Section 261-B of the Code of Civil Procedure, relating to filing and appearance fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1246**—An act to amend Section 4277 of the Political Code, relating to compensation for public service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 889**—An act to repeal an act entitled, "An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately," approved May 27, 1943, making an appropriation, and to declare the urgency hereof.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dorsey moved that Assembly Bill No. 595 be taken from the inactive file and placed on the second reading file.

Motion carried.

#### RECESS

At 12.28 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

#### REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly adopted Conference report failing to agree appointed Messrs. Heisinger, Fourt, and Burns as a second Committee on Conference concerning:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1570

Assembly Bill No. 419

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 51

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

# FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 51**—Relative to memorializing Congress to propose to the people a constitutional amendment conferring upon the President of the United States, on his retirement, life membership in the United States Senate.

Referred to Committee on Governmental Efficiency.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 134  
Assembly Bill No. 175  
Assembly Bill No. 303  
Assembly Bill No. 378  
Assembly Bill No. 438  
Assembly Bill No. 963  
Assembly Bill No. 964  
Assembly Bill No. 965  
Assembly Bill No. 966  
Assembly Bill No. 967  
Assembly Bill No. 991  
Assembly Bill No. 1076  
Assembly Bill No. 1127  
Assembly Bill No. 1128  
Assembly Bill No. 1129  
Assembly Bill No. 1227

Assembly Bill No. 1252  
Assembly Bill No. 1278  
Assembly Bill No. 1310  
Assembly Bill No. 1433  
Assembly Bill No. 1452  
Assembly Bill No. 1749  
Assembly Bill No. 1779  
Assembly Bill No. 1782  
Assembly Bill No. 1787  
Assembly Bill No. 1914  
Assembly Bill No. 1999  
Assembly Bill No. 2143  
Assembly Bill No. 2162  
Assembly Bill No. 2176  
Assembly Bill No. 2199  
Assembly Bill No. 2206

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 134**—An act to amend Section 4661 of the Labor Code of the State of California, relating to workmen's compensation.

Referred to Committee on Labor.

**Assembly Bill No. 175**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 303**—An act to amend Section 4652 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

**Assembly Bill No. 378**—An act to amend Section 3713 of the Labor Code, relating to security for the payment of workmen's compensation.

Referred to Committee on Labor.

**Assembly Bill No. 438**—An act to amend Section 45 of the Elections Code, relating to petitions.

Referred to Committee on Elections.

**Assembly Bill No. 963**—An act relating to the purchase of sites, construction of buildings, improvements of grounds and purchase of equipment for two State cerebral palsy schools, and making an appropriation therefor.

Referred to Committee on Finance.

**Assembly Bill No. 964**—An act providing for the maintenance and operation of State cerebral palsy schools, and making an appropriation therefor.

Referred to Committee on Finance.

**Assembly Bill No. 965**—An act making an appropriation to the State Department of Education for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Referred to Committee on Finance.

**Assembly Bill No. 966**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 967**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 991**—An act to amend Section 1305 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

**Assembly Bill No. 1076**—An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1127**—An act to amend Section 6103 of the Government Code, relating to fees.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1128**—An act to amend Section 11007 of the Government Code, relating to insurance of the property of the State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1129**—An act to amend Section 18102 of the Government Code, relating to sick leave and workmen's compensation insurance benefits of State officers and employees.

Referred to Committee on Labor.

**Assembly Bill No. 1227**—An act to amend Section 76 and 77 of the Unemployment Insurance Act, relating to the salaries of the division chiefs and members of the appeals board.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1252**—An act to amend Section 20343 of the Education Code and to add Section 20343.1 to said code, and making an appropriation, all relating to State college fees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1278**—An act to amend Section 20344 and to repeal Section 20461 of the Education Code and to add Article 6.5 to Chapter 2 of Division 10 of said code, all relating to State college summer sessions and abolishing the State Colleges Summer Session Fund declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1310**—An act to amend Sections 5460, 5461, 5463, 5464, 6462 and 6486 of the Health and Safety Code, and relating to sanitation.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

Referred to Committee on Judiciary.

**Assembly Bill No. 1452**—An act to repeal an act entitled "An act declaring all buildings and places nuisances, wherein or upon which any spirituous, vinous, malt or other alcoholic liquor is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such liquors, and providing for the abatement of such nuisances," approved April 28, 1915, relating to abatement of nuisances in the unlawful sale, gift or serving of intoxicating liquors.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1749**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement by guardians.

Referred to Committee on Judiciary.

**Assembly Bill No. 1779**—An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, relating to police courts in cities of the second class.

Referred to Committee on Local Government.



**Assembly Bill No. 1782**—An act to amend Section 4.5 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1787**—An act to amend Sections 103g and 103h of, and to add Section 103l to the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Referred to Committee on Local Government.

**Assembly Bill No. 1914**—An act to amend Section 18850 of the Government Code, relating to compensation.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1999**—An act to amend Sections 8552, 8553, 8554, 8555, 8556 and 8557 of, and to add Section 8558 to the Public Resources Code, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, providing for the distribution of money deposited in the State Treasury in connection therewith, and making an appropriation therefor.

Referred to Committee on Agriculture.

**Assembly Bill No. 2143**—An act to amend Section 3 of an act entitled "An act defining the civil liability for failure to control fire," approved June 12, 1931, relating to the expenses of fighting fires.

Referred to Committee on Natural Resources.

**Assembly Bill No. 2162**—An act to add Section 273d to the Penal Code, relating to wilful corporal injury to wife or child.

Referred to Committee on Judiciary.

**Assembly Bill No. 2176**—An act to provide for agreements between cities, counties and cities and counties and State agencies for the collection by such agencies of certain taxes imposed by such cities, counties and cities and counties.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 2199**—An act to amend Section 41.5 of the Unemployment Insurance Act relating to the transfer of reserve accounts.

Referred to Committee on Social Welfare.

**Assembly Bill No. 2206**—An act to add Section 7.7 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 36

Assembly Joint Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Constitutional Amendment No. 36**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 2.1 to Article IX of said Constitution, relating to Deputy and Associate Superintendents of Public Instruction.

Referred to Committee on Education.

**Assembly Joint Resolution No. 52**—Relating to the report and recommendations of the Association of Land-Grant Colleges and Universities on postwar agricultural policy, and urging various Federal, State and private agencies to study and implement the objective therein set forth.

Referred to Committee on Education.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 35  
Assembly Bill No. 79  
Assembly Bill No. 142  
Assembly Bill No. 231  
Assembly Bill No. 252  
Assembly Bill No. 391  
Assembly Bill No. 485  
Assembly Bill No. 533  
Assembly Bill No. 600  
Assembly Bill No. 697  
Assembly Bill No. 739  
Assembly Bill No. 815  
Assembly Bill No. 828  
Assembly Bill No. 845  
Assembly Bill No. 960  
Assembly Bill No. 970  
Assembly Bill No. 985  
Assembly Bill No. 1008  
Assembly Bill No. 1037  
Assembly Bill No. 1049

Assembly Bill No. 1117  
Assembly Bill No. 1142  
Assembly Bill No. 1182  
Assembly Bill No. 1190  
Assembly Bill No. 1191  
Assembly Bill No. 1197  
Assembly Bill No. 1229  
Assembly Bill No. 1242  
Assembly Bill No. 1290  
Assembly Bill No. 1305  
Assembly Bill No. 1365  
Assembly Bill No. 1366  
Assembly Bill No. 1418  
Assembly Bill No. 1495  
Assembly Bill No. 1542  
Assembly Bill No. 1730  
Assembly Bill No. 1763  
Assembly Bill No. 1812  
Assembly Bill No. 1823  
Assembly Bill No. 1865

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1868  
Assembly Bill No. 1885  
Assembly Bill No. 1903  
Assembly Bill No. 1911  
Assembly Bill No. 1951  
Assembly Bill No. 2066

Assembly Bill No. 2068  
Assembly Bill No. 2138  
Assembly Bill No. 2140  
Assembly Bill No. 2200  
Assembly Bill No. 2212  
Assembly Bill No. 2219

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time :

**Assembly Bill No. 35**—An act to amend Section 1648.3 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 79**—An act to provide for the acquisition of Camp Taylor in Marin County as part of the State Park System, to repeal an act entitled "An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled 'An act making an appropriation to the Department of Natural Resources, Division of Parks for the acquisition of land in Marin County as part of the State Park System,' approved July 12, 1941," approved June 8, 1943, and making an appropriation.

Referred to Committee on Natural Resources.

**Assembly Bill No. 142**—An act making an appropriation for the creation of historical dioramas.

Referred to Committee on Finance.

**Assembly Bill No. 231**—An act to amend Sections 891, 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 252**—An act to add Section 19622.5 to the Business and Professions Code, and Section 73.5 to the Agricultural Code, relating to junior agricultural fairs, and making an appropriation.

Referred to Committee on Finance.

**Assembly Bill No. 391**—An act to make an appropriation to The Regents of the University of California for the establishment and maintenance of schools of industrial relations.

Referred to Committee on Education.

**Assembly Bill No. 485**—An act to add Section 10115 to the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 533**—An act to add Chapter 4 to Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft, making an appropriation therefor and declaring the urgency thereof to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 600**—An act to accept the benefits made available to this State under the Federal Hospital Construction Act, designating the State Department of Public Health as the sole agency of this State to carry out the hospital inventory plan and the hospital construction plan required by said Federal act, specifying the powers and duties of the

State Department of Public Health as such agency, establishing the State Advisory Council on Hospital Construction, and making an appropriation.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 697**—An act to amend Sections 20013, 20014, 20600, 20603, 20604, 20750, 20950, and 21256 of, and to add Sections 20017.5, 20602.5, 20602.6, 20803.5, 20980.5, 21020.5, and 21208 to, the Government Code, relating to the State Employees Retirement System, in respect to the fish and game wardens and personnel.

Referred to Committee on Fish and Game.

**Assembly Bill No. 739**—An act to amend Section 19616 of the Education Code, and making an appropriation, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

Referred to Committee on Education.

**Assembly Bill No. 828**—An act making an appropriation to the Department of Agriculture for conducting an agricultural pest survey.

Referred to Committee on Agriculture.

**Assembly Bill No. 845**—An act making an appropriation for the investigation, control and eradication of Omphalia root rot.

Referred to Committee on Agriculture.

**Assembly Bill No. 960**—An act to add Chapter 16 to Division 2 of the Education Code, relating to the reorganization of school districts, including formation, government, support, control, functions, maintenance and administration of unified school districts, and making an appropriation.

Referred to Committee on Education.

**Assembly Bill No. 970**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Referred to Committee on Natural Resources.

**Assembly Bill No. 985**—An act to amend Sections 20602, 20603, 20750, 21252, 21256, and 21257 of the Government Code, and to add Sections 20602.1 and 21252.1 thereto, relating to the State Employees' Retirement System, and changing the rates of contribution thereto and the benefits payable therefrom in respect to members of the California Highway Patrol and making an appropriation.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1008**—An act to amend Section 4712 of the Education Code, relating to the Public School System.

Referred to Committee on Education.



**Assembly Bill No. 1037**—An act to provide for the repair, restoration and maintenance of the Jenner Jetty on the Russian River, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1049**—An act to amend Sections 53 and 59 of, and to add Article 5, comprising Section 992 to 992.6, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, creating a California Veterans' Commission, providing for the functions thereof, and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1117**—An act making an appropriation for administration of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission.

Referred to Committee on Agriculture.

**Assembly Bill No. 1142**—An act to provide for the construction of a road in Marin County and, including its incorporation into the State Highway System, and making an appropriation.

Referred to Committee on Transportation.

**Assembly Bill No. 1182**—An act to add Article 13, comprising Sections 950 to 959, inclusive, to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to county juvenile homes and camps, and providing for assistance by the State for the maintenance of such homes and camps and making an appropriation therefor.

Referred to Committee on Social Welfare.

**Assembly Bill No. 1190**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as an addition to The Langley Porter Clinic and in furtherance of the postwar building program.

Referred to Committee on Institutions.

**Assembly Bill No. 1191**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a psychiatric hospital clinic in the City of Los Angeles and in furtherance of the postwar building program.

Referred to Committee on Institutions.

**Assembly Bill No. 1197**—An act to amend Sections 5260 and 7009 of, and to add Sections 7012.5 and 7012.6 to, the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, and providing for the support of persons committed to, or for placement in, homes for the mentally deficient in such homes and on parole or on leave of absence therefrom, and making an appropriation.

Referred to Committee on Institutions.

**Assembly Bill No. 1229**—An act to provide for the publication under the direction of The Regents of the University of California of a centennial history of the State of California, including one volume devoted to the participation of the State of California in the present World War, and to make an appropriation therefor.

Referred to Committee on Education.

**Assembly Bill No. 1242**—An act making an appropriation for additional support of the State Department of Education for the education of veterans.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1290**—An act to amend Section 5101 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

**Assembly Bill No. 1305**—An act to add Section 726.5 to the Political Code, relating to committees of the Judicial Council.

Referred to Committee on Judiciary.

**Assembly Bill No. 1365**—An act to add Section 1184 to the Fish and Game Code, relating to the training of hunting dogs and holding of field trials.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1366**—An act to add Section 1171.1 to the Fish and Game Code, relating to the training of hunting dogs on native game birds.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1418**—An act to amend Sections 1251 and 1252 of the Fish and Game Code, relating to protected mammals.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1495**—An act to provide for the acquisition of certain real property in the County of Del Norte by the State Park Commission for State Park purposes, and making an appropriation.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1542**—An act to amend Section 2 of an act entitled "An act relating to the National Flag and the Flag of the State of California and other flags," approved June 7, 1943, relating to the display of said flags.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1730**—An act to add Section 27.5 to the Fish and Game Code, relating to the removal of fish from waters constituting a public water supply.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1763**—An act to add Chapter 17, comprising Sections 9000 to 9098, inclusive, to Division 3 of the Business and Professions Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1812**—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in El Dorado, Amador and Calaveras Counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Referred to Committee on Local Government.

**Assembly Bill No. 1865**—An act to amend Sections 5906 and 5907 of the Labor Code, pertaining to rehearings before the Industrial Accident Commission.

Referred to Committee on Labor.

**Assembly Bill No. 1868**—An act to amend Section 5954 of the Labor Code, relating to judicial review of proceedings of the Industrial Accident Commission.

Referred to Committee on Labor.

**Assembly Bill No. 1885**—An act to amend Section 5003 of the Labor Code, relating to compromise and release of a compensation claim.

Referred to Committee on Labor.

**Assembly Bill No. 2138**—An act to make an appropriation for herding migratory wild fowl by airplane to prevent depredation of agricultural crops.

Referred to Committee on Fish and Game.

**Assembly Bill No. 2140**—An act making an appropriation for the establishment of fish hatcheries.

Referred to Committee on Fish and Game.

**Assembly Bill No. 2200**—An act to amend Section 19626 of the Business and Professions Code, relating to allocation of "Fair and Exposition Fund."

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2212**—An act to add Section 545.5 to the Agricultural Code, relating to cheese.

Referred to Committee on Agriculture.

**Assembly Bill No. 2219**—An act to amend Section 1 of an act entitled, "An act granting to the City of Venice the tidelands and submerged lands of the State of California within the boundaries of the said city," approved April 10, 1917, relative to grant of tide and submerged lands to the City of Venice.

Referred to Committee on Transportation.

**Assembly Bill No. 1903**—An act to repeal Section 16626, Articles 4 to 11, both inclusive, of Chapter 4 of Division 8, and Articles 3, 4 and 5 of Chapter 5 of Division 8, all of the Education Code; to amend Sections 16601, 16602, 16622, and 16636 and the heading of Chapter 4 of Division 8, all of said Code; and to add Chapter 5.5 to Division 8 of said Code, all relating to the educational rights of minors.

Referred to Committee on Education.

**Assembly Bill No. 1911**—An act to add Section 583.5 to the Code of Civil Procedure, relating to dismissal of actions, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 1951**—An act to amend Section 981.5 of the Military and Veterans Code, relating to veterans, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 2066**—An act to amend Section 1009 of the Welfare and Institutions Code, relating to transportation of nonresident persons committed to the Youth Authority or confined in institutions subject to its jurisdiction to the States of their residence, providing for the disposition of moneys received for such transportation, and making an appropriation.

Referred to Committee on Institutions.

**Assembly Bill No. 2068**—An act to add Chapter 27 to Part 3 of Division 7 of the Streets and Highways Code, relating to the construction of sidewalks and curbs, establishing a procedure therefor, and providing for the assessment and collection of the costs of the construction of such sidewalks and curbs.

Referred to Committee on Local Government.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 85	Senate Bill No. 793
Senate Bill No. 349	Senate Bill No. 867
Senate Bill No. 415	Senate Bill No. 995
Senate Bill No. 453	Senate Bill No. 1030
Senate Bill No. 541	Senate Bill No. 1055
Senate Bill No. 607	Senate Bill No. 1228
Senate Bill No. 622	Senate Concurrent Resolution No. 58
Senate Bill No. 627	Senate Concurrent Resolution No. 62
Senate Constitutional Amendment No. 16	
Senate Constitutional Amendment No. 21	

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1262  
Senate Bill No. 886

And reports the same correctly re-engrossed.

SEAWELL, Chairman



SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 53**—Relative to adjournment sine die of the Fifty-sixth Session of the Legislature of the State of California;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the seventh day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 51**—An act to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising basis of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons;

**Senate Bill No. 460**—An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05, 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11713, 11715, and 11721 of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1a of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 663**—An act to create a flood control district to be called Humboldt County Flood Control District and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district;

**Senate Bill No. 741**—An act to amend Sections 383.5, 700, 704, 765, 766, 783, 783.5, 851, 852, 1512, 1707, 1720.06, 1731, 1732, 1760.5, 1776, 1807.5, 1813, 1821, 11063, 12223, 12282, 12924, and 12975.5, and to repeal Sections 767, 1734, 1818, and 11064 of, and to add Section 1649.5 to the Insurance Code, relating to administrative procedure affecting the transaction of insurance business;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 742**—An act to amend Section 15 of, and to add Sections 7.5, 9.5, and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Sections 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12 and 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939; relating to administrative procedure of the Commissioner of Corporations;

**Senate Bill No. 1251**—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654, 20755, 20836, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 61**—Relative to commending Lieutenant (j.g.) Perry S. Wood of the United States Naval Reserve;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the eighth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

#### Committee on Elections

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 166

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Constitutional Amendment No. 22:** By Senator Judah—Proposed amendment to Article IV of the Constitution adding Section 1b thereto, relative to the amendment or repeal of initiative measures adopted by the people.

Referred to Committee on Elections.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 1976**—An act to amend Section 59.5 of the Alcoholic Beverage Control Act, relating to the hours of sale of alcoholic beverages, declaring the urgency hereof, and providing that this act shall take effect immediately.

#### Motion to Reconsider Waived

Senator Shelley waived his motion to reconsider the vote whereby Assembly Bill No. 1976 was passed.

Assembly Bill No. 1976 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 886**—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dilworth, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1262**—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 196**—An act making an appropriation to the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1055**—An act to add Section 254.5 to and to amend Section 255 of the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—26.

NOES—Senator Quinn—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 607**—An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.



**President Pro Tempore of the Senate Presiding**

At 2.42 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Senate Bill No. 1030**—An act relating to forestry, to provide for the purchase of forest practice demonstration areas in the pine and redwood regions, for compensating the counties in which such areas are situated for loss of taxes, for reforestation and management of such areas, for demonstrating forest practices, for making surveys and appraisals, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 541**—An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 85**—An act to amend Section 4750 and to add Sections 4751, 4752, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 415**—An act to add Section 8.5 to an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, relating to statutes of limitation, and declaring the effect of this law.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Senate Bill No. 627**—An act to amend Section 20651 of the Education Code, relating to California Polytechnic School.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—30.

NOES—Senators Breed, Collier, and Keating—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 793**—An act add Section 749.5 to the Code of Civil Procedure, relating to determination of adverse claims to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—Senator Collier—1.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 3.3 to Article IX of said Constitution, relating to county boards of education.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Kuchel, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Joint Resolution No. 31**—Relative to memorializing Congress to enact legislation to enable California to extend its State Unemployment Insurance Act to cover employees in Federal war plants and agencies.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 585**—An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to special funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1208**—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

**Motion to Re-refer Senate Bill No. 1208**

Senator McBride moved that Senate Bill No. 1208 be re-referred to Committee on Social Welfare.

Motion carried.

**Senate Bill No. 349**—An act to add Section 8893 to the Health and Safety Code, relating to the formation of public cemetery districts and providing that such formation shall not be subject to the District Investigation Act of 1933 as amended.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1302**—An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591, and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing

for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### **Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Powers:

*Resolved*, That Senate Bills Nos. 847, 860, 1153, 1300, 1228, 1211, and 1245 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### **President of the Senate Presiding**

At 3.35 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 622**—An act to amend Section 1191, 1192a, and 1203c of, and to add Section 1192b to the Penal Code, relating to the procedure prior to the pronouncement of judgment in criminal cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 58**—Relative to the creation of the California Forestry Study Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse,

Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—31.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 453**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 62**—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—Senators Carter, and Gordon—2.

Resolution ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Senate Concurrent Resolution No. 67**—Relative to adding Section 37.5 to the Joint Rules in the Senate and Assembly, relative to the Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 847**—An act to amend Section 142 of the State Civil Service Act, relating to the filing of performance reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 860**—An act relating to the use of State automobiles and prescribing the reports required as to such use.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1153**—An act to add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to the form of bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1300**—An act to amend the title and Sections 1, 2, 3, 4, 5 and 7 of an act entitled "An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to a Disaster Reserve and providing for its expenditure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1228**—An act to repeal Section 13394, 13395, 13396, 13397, 13398, 13399 and 13400, of the Government Code and to add thereto Section 13394, relating to State purchases and the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1211**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1245**—An act to amend Sections 737b, 737c, and 737i of the Political Code, relating to judges' salaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 223

Senate Bill No. 326

Assembly Bill No. 1116

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 745

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1229

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered :

By Senator Seawell :

*Resolved*, That Senate Bills Nos. 223, 326, 1229, 745, and Assembly Bill No. 1116 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None

Article IV, Section 15, of the Constitution was declared suspended.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 223**—An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 326**—An act making an appropriation to the Department of Agriculture for conducting poultry disease control.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1229**—An act to add Section 20393 to the Government Code, relating to the State Employees' Retirement System.

**Motion to Re-refer Senate Bill No. 1229**

Senator Seawell moved that Senate Bill No. 1229 be re-referred to Committee on Governmental Efficiency.

Motion carried.

**Senate Bill No. 745**—An act to add Section 253 to the Streets and Highways Code, relating to the State Highway System.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1116**—An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 223**—An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 326**—An act making an appropriation to the Department of Agriculture for conducting poultry disease control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 745**—An act to add Section 253 to the Streets and Highways Code, relating to the State Highway System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 995**—An act to repeal Section 5016.6 of the Business and Professions Code, relating to the educational requirements for admission to the examination for a certified public accountant.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 867**—An act to amend Section 2224 of the Welfare and Institutions Code, relating to aid to the aged, and modifying the procedures in connection with relative's responsibility to contribute to the support of recipients thereof.

**Motion to Re-refer Senate Bill No. 867**

Senator Seawell moved that Senate Bill No. 867 be re-referred to Committee on Social Welfare.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1116**—An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 220**—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

**Motion to Reconsider Assembly Bill No. 220**

Pursuant to his motion previously made, Senator Desmond moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 220 was passed.

## Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the motion by Senator Desmond to reconsider the vote whereby Assembly Bill No. 220 was passed.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Desmond moved a call of the Senate.

Motion carried. Time, 5.42 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Conference concerning:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5, and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, and 657 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof;

Consisting of the undersigned members, has met, and reports that the committee was unable to agree.

COLLIER  
HATFIELD  
DILLINGER

Senate Committee on Conference

WATSON  
BROWN  
ERWIN

Assembly Committee on Conference

**RESOLUTIONS**

The following resolutions were offered:

By Senator Salsman:

**Senate Resolution No. 132**

Relative to the creation of the Senate Interim Committee on Education

WHEREAS, Proposals to amend the Education Code of this State increase in number with each session, and the importance of the subject of education is magnified with its increasing adaptation to the service of war and peace; and

WHEREAS, Our education institutions represent the largest charge against the tax revenues of the State, and are our greatest reliance for the success of our democracy; and

WHEREAS, The Legislature at its next regular session should, therefore, be advised by a committee of its members who have studied the present day operation of our education system thoroughly; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Interim Committee on Education is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the administration of our educational system, the organization, management and operation of our educational institutions, and their responsibilities at the present time, including but not limited to the operation, effect, administration, enforcement and needed revision of the Education Code of this State, and any and all other laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Powers:

**Senate Resolution No. 133**

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, beginning June 6, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

*Per day*

Jacqueline E. Anderson, Assistant Engrossing and Enrolling Clerk-- \$8 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jaspersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILLS**

**NOS. 1190 AND 1191**

Senator Breed moved that Assembly Bills Nos. 1190 and 1191 be withdrawn from Committee on Institutions and referred to Committee on Finance.

Motion carried.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1823**

Senator Cunningham moved that Assembly Bill No. 1823 be withdrawn from Committee on Local Government, and referred to Committee on Finance.

Motion carried.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Donnelly, Crittenden, and Hulse as a Senate Committee on Conference concerning Assembly Bill No. 1468 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES,**  
**SEAWELL, Chairman**

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 145

Assembly Bill No. 718

Assembly Bill No. 881

Assembly Bill No. 1015

Assembly Bill No. 1053

Assembly Bill No. 2218

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 145**—An act to amend Section 46 of the County Employees Retirement Act of 1937, relating to employees.

Referred to Committee on Local Government.

**Assembly Bill No. 718**—An act providing salary and wage increases for State employees, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 881**—An act to provide for the revisions of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Referred to Committee on Judiciary.

**Assembly Bill No. 1015**—An act making an appropriation for the purpose of defraying one-half the cost of the construction of sewerage facilities by local agencies and providing the procedure for the allocation and expenditure of such appropriation.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1053**—An act making an appropriation to the Department of Agriculture for the purpose of acquiring land for a livestock and poultry disease diagnostic and testing laboratory in Fresno County.

Referred to Committee on Agriculture.

**Assembly Bill No. 2218**—An act to amend Section 44 of, and to add Section 44.9 to, the Vehicle Code, relating to military emergency vehicles, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 71

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read :

**Assembly Concurrent Resolution No. 71**—Relative to reports of the 1945 and 1946 annual conventions of the Military Order of the Purple Heart.

Referred to Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1592**—An act to amend Section 3341 of the Civil Code, relating to animals.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 576

Assembly Bill No. 527

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**REPORTS OF STANDING COMMITTEES****Committee on Elections**

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 438

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Constitutional Amendment No. 22

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported resolution ordered to third reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1302

And reports the same correctly engrossed.

SEAWELL, Chairman

**MOTION TO STRIKE FROM FILE**

Senator Seawell moved that Senate Joint Resolution No. 7, Senate Bills Nos. 133, 109, 873, and 1285 be stricken from the file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 6.10 p.m., on motion of Senator Desmond, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 220 refused consideration by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Cunningham, Desmond, Dilworth, Dorsey, Gordon, Hulse, Kuchel, Mixter, Parkman, Quinn, Rich, Slater, Sutton, Swing, Ward, and Weybret—19.

**NOES**—Senators Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Powers, Salsman, Seawell, Shelley, and Tenney—19.

Assembly Bill No. 220 ordered transmitted to the Assembly.

**ADJOURNMENT**

At 6.14 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Saturday, June 9, 1945.

JOHN F. LEA, Minute Clerk

**CALIFORNIA LEGISLATURE**

FIFTY-SIXTH SESSION

**SENATE DAILY JOURNAL**

NINETY-FIRST LEGISLATIVE DAY

ONE HUNDRED FIFTY-THIRD CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Saturday, June 9, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pat Bartlett, Sue Bartlett, Debbie Downer, and Edward Downer all of Richmond.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. E. Dillinger, Mrs. Marion Dillinger Ellis, and Richard Carlton Ellis all of Placerville.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Inez Reed of Stockton.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Don Cameron of San Francisco.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, June 7, 1945

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

**Senate Bill No. 216**, entitled: "An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class."

This is a county government bill for Merced County. Its provisions are in conflict with those of Senate Bill No. 703, which has become Chapter 417, Statutes of 1945. Because of this conflict, the author of the bill has asked that I return it without my approval. Accordingly, I am returning the bill as requested.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 216 ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO 14, June 7, 1945

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

**Senate Bill No. 215**, entitled: "An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class."

This is a county government bill for Madera County. Its provisions are in conflict with those of Senate Bill No. 703, which has become Chapter 417, Statutes of 1945. Because of this conflict, the author of the bill has asked that I return it without my approval. Accordingly, I am returning the bill as requested.

Respectfully submitted.

EARL WARREN, Governor

Message read.

Senate Bill No. 215 ordered to unfinished business file.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 10.05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1477**—An act to amend Section 19597 of, and to add Section 19597.5 to, the Business and Professions Code, relating to the disposition of moneys wagered on the results of horse racing.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 1, line 7, of the printed bill, after "license", strike out "6", and insert "7".

Amendment read and adopted.

Bill ordered printed, and to third reading. Re-referred to Committee on Governmental Efficiency.



**Assembly Bill No. 332**—An act to amend Section 96 of the Labor Code, relating to assignment of claims.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 10 to 12, inclusive, and insert

“(i) Claims for vacation pay and severance pay.”

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 876**—An act to amend Sections 1295, 1296, 1299, 1300, 1395, and 2661 of, to add Sections 1290, 1290.1, 1290.5, 1291.5, 1292, 1293, 1294, 1295.6, 1298, 1298.5, 1301, 1391, 1391.1, 1391.5, 1394 and 1394.5 to, and to repeal Sections 1290, 1292, 1293, 1294, 1298, 1301, 1391 and 1394 of, the Labor Code, relating to employment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 21**—An act to amend Sections 6304, 6344, and 6365 of the Business and Professions Code, and to add Section 6348.1 thereto, relating to county law libraries and boards of trustees thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 413**—An act to add Section 4041.5 to the Political Code, relating to the power of the board of supervisors to provide operas and other musical entertainment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 463**—An act to add Section 4244.1 to the Political Code, relating to phonographic reporters in counties of the fifteenth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1380**—An act to amend Section 4095 of the Political Code, relating to the numbering, registration and cancellation of warrants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1384**—An act to amend Section 4082 of the Political Code, and to repeal Sections 140 and 2183.1 of the Welfare and Institutions Code, and Sections 6151 to 6154, inclusive, of the Education Code, all relating to the issuance of duplicate warrants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1402**—An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2164**—An act to amend the title and Section 2 of an act entitled “An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public build-

ings to be used jointly for county and municipal purposes," approved May 29, 1913, relating to joint county and municipal buildings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2183**—An act to amend Section 4264 of the Political Code, relating to compensation for public service in counties of the thirty-fifth class.

Bill read second time.

**Motion to Amend**

Senator Gordon moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 11, of the printed bill, strike out "two thousand one hundred dollars (\$2,100)", and insert "one thousand five hundred dollars (\$1,500)".

**Amendment No. 2**

On page 1, line 12, of said bill, strike out the comma after "supervisor", and insert "or".

**Amendment No. 3**

On page 1, line 13, of said bill, after "equalization and", insert ", in addition thereto, the sum of six hundred dollars (\$600) per annum for his duties as".

**Amendment No. 4**

On page 1, line 15, of said bill, before the period, insert "in whatever capacity".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2185**—An act to amend Sections 737q and 737bb of the Political Code, relating to the salary of superior court judges in Lake County and Napa County, respectively.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "and 737bb", and insert ", 737bb and 737vv".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "and Napa", and insert ", Napa County and Solano".

**Amendment No. 3**

On page 1 of said bill, after line 9, insert  
"SEC. 3. Section 737vv of the Political Code is amended to read:  
737vv. The annual salary of each of the judges of the Superior Court in and for the County of Solano is [seven thousand dollars (\$7,000)] *nine thousand five hundred dollars (\$9,500).*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 166**—An act to amend Section 690 of the Elections Code, relating to compensation of members of precinct boards.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "690", and insert "651".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "compensation of".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "690", and insert "651".

**Amendment No. 4**

On page 1 of said bill, strike out lines 5 to 8, inclusive, and insert "651. In precincts in which voting machines are not used the precinct board consists of one inspector, two judges and three clerks:

(a) At every State-wide election in which the precinct registration exceeds one hundred.

(b) At each municipal election except in cities:

(1) Of the fifth and sixth class.

(2) Where other provision is made by city charter.

(3) Where the election is held under the provisions of a city charter and a majority of the election board of the city determines one inspector, one judge and two clerks sufficient.

(c) At every other regular election for which other provision is not made by law or charter.

(d) *In counties of over 168,000 and under 173,000 population, the election precinct boards shall consist of one inspector, one judge, and two clerks or one inspector, one judge, and three clerks or one inspector, two judges, and three clerks.*

*The number to serve shall be fixed by the boards of supervisors in counties of the seventh class not less than 30 days prior to the day of election."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 438**—An act to amend Section 45 of the Elections Code, relating to petitions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 20, of the printed bill, as amended, after "residence.", insert "If successive signers sign on the same date, marks may be used to indicate that the dates are the same."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 595**—An act to amend Sections 5453, 5457, 7102, 7103, 7135, 7136, 7202, 7203 and 7205 of the Education Code, to add Sections 7105.2 and 7137.2 to said code, and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

Bill read second time, and ordered to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1988**—An act to amend Section 20890 of the Government Code, relating to time spent in military service for the purpose

of computing retirement benefits and contributions to the retirement system while in such military service.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Mayo, McBride, Mixer, Parkman, Powers, Rich, Seawell, Slater, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1987**—An act to amend Section 152.5 of the State Civil Service Act, and to add Section 19391.5 to the Government Code, relating to the State civil service.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Seawell, Slater, Tenney, and Weybret—25.

NOES—Gordon—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2111**—An act to amend Section 737s of the Political Code, relating to salaries of judges of the Superior Court in and for the County of Los Angeles.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1099**—An act to add Section 7d to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to phonographic reporters in municipal courts in cities of the one and one-half class, and providing for the compensation and retirement of such reporters.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kenting, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.



FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 10.52 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 280**—An act to repeal Part 4, comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, relating to the motor vehicle transportation tax.

Bill read third time, and presented by Senator Tenney.

Motion to Set Special Order

Senator Mayo moved that Assembly Bill No. 280 be made a special order of business for Wednesday, June 13, 1945, at 2 p.m.

The roll was called, and the motion carried by the following vote :

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Slater, and Weybret—21.

NOES—Senators Breed, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Kuchel, McBride, Mixer, Rich, Shelley, and Tenney—14.

**Assembly Bill No. 1783**—An act to add Article 3, comprising Section 10540, to Chapter 6 of Part 2 of Division 2, of the Insurance Code, relating to the payment of premiums to life insurers.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Seawell, Shelley, Slater, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1755**—An act amending Section 1952 of the Code of Civil Procedure, relating to the destruction or other disposition of depositions.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1757**—An act to amend Section 925 of the Probate Code, relating to vouchers.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel,

McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 866**—An act to add Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, to the Probate Code, and to amend Section 1963 of the Code of Civil Procedure, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law relating thereto.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 806**—An act to amend Section 9 of the California Airport District Act, relating to the powers of airport districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—Senators Desmond, Donnelly, Parkman, and Shelley—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 807**—An act to amend the title of and to add Section 6 to "An act authorizing and empowering any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation in the State of California to acquire land and construct and complete improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of hangers for storing aircraft; permitting use for said purposes of property owned for park purposes; providing for the incurring of indebtedness and issuing bonds; validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purposes and of the proceedings leading up to the issuance and the proposed issuance of any such purpose and to levy taxes for such purposes," approved April 28, 1927, relating to the acquisition of airspace and easements therein by counties, city and counties, and cities.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 808**—An act to add Section 2.5 to the California Airport District Act, relating to the formation of districts, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—Senator Dilworth—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—Senators Dilworth and Hulse—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 805**—An act to add Section 1239.2 and 1239.4 to the Code of Civil Procedure, relating to eminent domain for airport purposes.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—Senators Desmond, Dilworth, and Donnelly—3.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Assembly Bill No. 802**—An act relating to aviation; defining terms, providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, Governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of Federal aid; authorizing joint action by municipalities and by municipalities and the State; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the State, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "Aviation", and insert "Aeronautical".

**Amendment No. 2**

On page 12 of said bill, strike out lines 27 and 28, and insert  
"SEC. 18. The authority granted by this act to municipalities shall be alternative to, and in addition to, authority granted by the provisions of any other act."

Amendments read and adopted.

**Motion to Reconsider**

Senator Tenney moved to reconsider the vote whereby the amendments to Assembly Bill No. 802 were adopted.

Motion carried.

**Assembly Bill No. 1281**—An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

Bill read third time.

**Motion to Set Special Order**

Senator Dillinger moved that Assembly Bill No. 1281 be made a special order of business for Monday, June 11, 1945, at 2 p.m.

Motion carried.

**RECESS**

At 12.15 p.m., on motion of Senator Seawell, the Senate recessed until 1.45 p.m.

**REASSEMBLED**

At 1.45 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 19

Assembly Constitutional Amendment No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolutions were read:

**Assembly Constitutional Amendment No. 19**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XXVI thereof, and adding Section 5 to said Article XXVI, relating to taxes upon use of public highways.

Referred to Committee on Revenue and Taxation.

**Assembly Constitutional Amendment No. 39**—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Section 1 of Article VI thereof and



by adding Sections 4d, and 4e to said article, relating to a Court of Tax Appeals.

Referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 55  
Assembly Bill No. 188  
Assembly Bill No. 190  
Assembly Bill No. 221  
Assembly Bill No. 364  
Assembly Bill No. 380  
Assembly Bill No. 440  
Assembly Bill No. 465  
Assembly Bill No. 613  
Assembly Bill No. 625  
Assembly Bill No. 841  
Assembly Bill No. 918  
Assembly Bill No. 961  
Assembly Bill No. 996  
Assembly Bill No. 1035  
Assembly Bill No. 1104  
Assembly Bill No. 1155  
Assembly Bill No. 1307  
Assembly Bill No. 1523  
Assembly Bill No. 1551  
Assembly Bill No. 1565  
Assembly Bill No. 2230

Assembly Bill No. 1598  
Assembly Bill No. 1794  
Assembly Bill No. 1810  
Assembly Bill No. 1811  
Assembly Bill No. 1915  
Assembly Bill No. 1940  
Assembly Bill No. 2009  
Assembly Bill No. 2048  
Assembly Bill No. 2083  
Assembly Bill No. 2092  
Assembly Bill No. 2099  
Assembly Bill No. 2135  
Assembly Bill No. 2180  
Assembly Bill No. 2186  
Assembly Bill No. 2191  
Assembly Bill No. 2208  
Assembly Bill No. 2214  
Assembly Bill No. 2216  
Assembly Bill No. 2223  
Assembly Bill No. 2224  
Assembly Bill No. 2225

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 55**—An act to add Section 5 to an act entitled "An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach," approved June 8, 1943, relating to the availability of said appropriation.

Referred to Committee on Finance.

**Assembly Bill No. 188**—An act to amend Sections 3420, 3472, and 3480 of the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation.

Referred to Committee on Social Welfare.

**Assembly Bill No. 190**—An act to amend Sections 3025, 3084, and 3087.1 of the Welfare and Institutions Code, relating to aid to the needy blind, and making an appropriation.

Referred to Committee on Social Welfare.

**Assembly Bill No. 221**—An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the County of Alameda.

Referred to Committee on Finance.

**Assembly Bill No. 364**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition

of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

Referred to Committee on Finance.

**Assembly Bill No. 380**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Referred to Committee on Finance.

**Assembly Bill No. 440**—An act making an appropriation for the repair, restoration and protection of the ocean beach at the City of Redondo Beach and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 465**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land at Newport Beach, Orange County, as part of the State Park System.

Referred to Committee on Finance.

**Assembly Bill No. 613**—An act providing for controlled land clearance and revegetation projects for the protection and improvement of range and forage lands, including experiments and research in relation thereto, and making an appropriation to the Division of Forestry to carry out the provisions of this act.

Referred to Committee on Finance.

**Assembly Bill No. 625**—An act to amend Sections 8404 and 8503 of the Education Code; to repeal Section 8501 of said code; and to add Section 8505 to said code, all relating to admission to the public schools.

Referred to Committee on Education.

**Assembly Bill No. 841**—An act to create in the State Treasury the United States Federal Flood Control Receipts Fund and making an appropriation.

Referred to Committee on Water Resources.

**Assembly Bill No. 918**—An act to amend Sections 10490, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4, and 10972 of, to add Section 10498.6 to, and to repeal Section 10241 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 961**—An act making an appropriation for the support of the Department of Education, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 996**—An act to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Referred to Committee on Judiciary.

**Assembly Bill No. 1035**—An act making an appropriation from the Postwar Employment Reserve to be expended by the Regents of the University of California for the purpose of building, equipping, and operating an insectory on the campus of the citrus experiment station of the University of California, at Riverside, California.

Referred to Committee on Finance.

**Assembly Bill No. 1104**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of San Jose and in furtherance of the postwar building program.

Referred to Committee on Finance.

**Assembly Bill No. 1155**—An act to amend Sections 1510, 1511, and 1512 of the Welfare and Institutions Code, relating to aid to needy children, and making an appropriation.

Referred to Committee on Finance.

**Assembly Bill No. 1307**—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Referred to Committee on Agriculture.

**Assembly Bill No. 1523**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for the Department of Public Health and in furtherance of the postwar building program.

Referred to Committee on Finance.

**Assembly Bill No. 1551**—An act to add Article 15 to Chapter 7 of Division 4 of the Education Code, relating to tutorial services for pupils.

Referred to Committee on Education.

**Assembly Bill No. 1565**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Referred to Committee on Finance.

**Assembly Bill No. 1598**—An act to repeal Sections 350 to 354, inclusive, and to add Sections 350 to 360, inclusive, to the Health and Safety Code, relating to Division of Dental Health in the Department of Public Health and to make an appropriation therefor.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1794**—An act to add Section 4.7 to The Planning Act and Section 18.5 to the State Conservation and Planning Act, relating to regional, county, and city planning commissions and the governing bodies of school districts.

Referred to Committee on Local Government.

**Assembly Bill No. 1810**—An act to provide additional Public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State System of Parks and Beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities.

Referred to Committee on Finance.

**Assembly Bill No. 1811**—An act providing for the acceptance, receipt and disposition by the State Board of Education and making an appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1915**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and of the district courts of appeal.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1940**—An act making an appropriation for expenses in connection with the Western Governors' Conference.

Referred to Committee on Finance.

**Assembly Bill No. 2009**—An act to amend Sections 51, 57, 72, 75, 80 and 112 of the Labor Code, relating to the Chief of the Division of Industrial Welfare, Chief of the Division of Immigration and Housing, Director of Industrial Relations and the Industrial Accident Commission.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2048**—An act to add Sections 361c and 362e to the Civil Code, relating to the reorganization of corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 2083**—An act making an appropriation to the State Board of Equalization for base maps and soil surveys.

Referred to Committee on Finance.

**Assembly Bill No. 2092**—An act to add Section 3.5 to the California Airport District Act, relating to the organization of airport districts.

Referred to Committee on Transportation.

**Assembly Bill No. 2099**—An act to amend Sections 18622, 18626, 18632, 18633, 18634, 18672, 18676, 18680, 18710, 18712, 18738.5, 18739, 18742, 18746, 18747, 18748, 18761 and 18762 of, and to add Section 18783 to, the Business and Professions Code, relating to boxing and wrestling.

Referred to Committee on Business and Professions.

**Assembly Bill No. 2135**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

Referred to Committee on Finance.

**Assembly Bill No. 2180**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the



Federal-Aid Highway Act of 1944 and the expenditure of Federal-aid moneys, and making an appropriation for the purposes of this act.

Referred to Committee on Finance.

**Assembly Bill No. 2186**—An act to made an appropriation to The Regents of the University of California for the purpose of making a study of establishing and maintaining a School of Government and Diplomacy on the Santa Barbara Campus.

Referred to Committee on Finance.

**Assembly Bill No. 2191**—An act to add Article 3 to Chapter 9 of Division 4 of the Education Code, relating to the education of minors in tuberculosis wards, hospitals or sanatoriums.

Referred to Committee on Education.

**Assembly Bill No. 2208**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the 11 Western States and to provide for the distribution and utilization thereof.

Referred to Committee on Finance.

**Assembly Bill No. 2214**—An act making an appropriation for the support of the California Aeronautical Commission to carry out the provisions of the California Aeronautical Commission Act.

Referred to Committee on Finance.

**Assembly Bill No. 2216**—An act to amend Section 7435 of and to add a new section numbered 7439 to the Education Code, relating to school bonds, declaring the urgency of this act and providing that the same shall take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 2223**—An act to amend Section 4017 of the Political Code, relating to consolidation of county offices.

Referred to Committee on Local Government.

**Assembly Bill No. 2224**—An act making an appropriation for the support of Preston School of Industry, Youth Authority, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 2225**—An act to amend and renumber Section 759 of the Political Code, as added by Chapter 414 of Statutes of 1907, relating to reporters for district courts of appeal.

Referred to Committee on Judiciary.

**Assembly Bill No. 2230**—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Referred to Committee on Finance.

President of the Senate Presiding

At 1.50 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 326

Senate Bill No. 1153

Senate Bill No. 745

Senate Bill No. 1211

Senate Bill No. 847

Senate Bill No. 1245

Senate Bill No. 860

Senate Bill No. 1300

Senate Concurrent Resolution No. 67

And reports the same correctly engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Powers:

## Senate Resolution No. 134

*Resolved*, That the following named person be stricken from the list of Senate Attaches, and that her name be stricken from the payroll of the Senate, to take effect on completion of work June 9, 1945.

Thelma Richards, Stenographer-----	<i>Per day</i> \$8 00
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Resolution read, and on motion of Senator Powers, adopted.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 629**—An act to repeal Section 729 and to amend Sections 730, 731 and 740 of the Welfare and Institutions Code, relating to juveniles, imposing limitations concerning the places to which they may be committed and in which they may be detained.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Gordon, Hatfield, Judah, Kuchel, Mayo, Mixter, Powers, Seawell, Slater, Sutton, Tenney, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 104**—An act to add Chapter 4, comprising Sections 250 to 255, inclusive, to Division 1 of the Welfare and Institutions Code, relating to probation officers.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Breed, Fletcher, Kuchel, Salsman, and Tenney—5.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, Mixter, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—30.

**Assembly Bill No. 226**—An act to amend Sections 8505, 8507, 8513, 8521, 8523, 8525, 8534, 8551, 8560, 8562 and 8674 of the Business and Professions Code, relating to the regulation of structural pest control.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 298**—An act to add Section 7432, and Article 8.5, comprising Sections 7402 to 7409, inclusive, to Chapter 10 of Division 3 of the Business and Professions Code, relating to minimum price schedules for services licensed under the chapter on cosmetology.

Bill read third time, and presented by Senator Shelley.

#### Previous Question

Senator Quinn moved the previous question.

Motion carried.

The question being on final passage of Assembly Bill No. 298.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Burns, and Shelley—2.

NOES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Seawell, Sutton, Swing, and Weybret—30.

**Assembly Bill No. 217**—An act to repeal Title 11 of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 17345, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772, relating to children's courts of conciliation.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, DeLap, Desmond, Donnelly, Hatfield, Hulse, Judah, Kuchel, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, and Swing—21.

NOES—Senators Brown, Crittenden, Cunningham, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Slater, Sutton, Tenney, and Weybret—12.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Sections 3.1 and 3.2 to Article IX of said Constitution, relating to county superintendents of schools.

Resolution read third time, and presented by Senator Dilworth.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Breed, Brown, Carter, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Kuchel, McBride, Quinn, Salsman, Slater, Sutton, Swing, and Tenney—19.

NOES—Senators Biggar, Collier, Crittenden, Cunningham, Dorsey, Gordon, Hulse, Judah, Keating, Mixter, Powers, Rich, Seawell, Shelley, and Weybret—15.

#### Motion to Reconsider

Senator Dilworth moved to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

**Postponement of Reconsideration**

On motion of Senator Dilworth, the further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption was continued until the next legislative day.

**Assembly Bill No. 1215**—An act to add Chapter 3.5, comprising Section 8301, to Division 4 of the Education Code, relating to the study of child care, growth and management.

Bill read third time, and presented by Senator Salsman.

**Previous Question**

Senator Rich moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 1215.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, DeLap, Deuel, Dillinger, Dilworth, Kuchel, Salsman, Slater, and Sutton—9.

NOES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, Mixter, Powers, Quinn, Rich, Seawell, Shelley, Swing, and Tenney—22.

**Assembly Bill No. 1217**—An act to add Section 14121.5 to the Education Code, relating to the appointment of limited term employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2179**—An act to amend Section 3 of the Los Angeles County Flood Control Act, relating to the board of supervisors.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 2017**—An act to add Section 20154 to the Education Code, relating to Hastings College of Law.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—33.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 793**—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1044**—An act to add Section 433.5 to the Political Code and to add Section 12422 to the Government Code, relating to duties of the Controller.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1532**—An act to amend Sections 2, 9, 9.1, and 9.2 of, and to add Sections 6.1 and 8.2 to, the "Metropolitan Water District Act," approved May 10, 1927, relating to the definitions of certain terms, providing for the addition or inclusion of areas to or in metropolitan water districts and providing for the effect thereof, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts, county water districts, and county water authorities, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district, county water district, or county water authority, so included within any such metropolitan water district and providing the effects thereof, providing for the election to pay the taxes or a portion thereof levied by any such metropolitan water district out of the municipal funds of any municipality whose corporate area is comprised within an overlying municipal water district, municipal utility district, public utility district, county water district, county water authority, whose corporate area is included within such metropolitan water district, providing for presentation of claims and demands against metropolitan water districts, and declaring the severability of the provisions of this act.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—29.

NOES—Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof.

Bill read third time.

**Motion to Amend**

Senator Mixter moved the adoption of the following amendments:

**Amendment No. 1**

In line 9 of the title of the printed bill, as amended, strike out the period, and insert "declaring the urgency hereof, to take effect immediately."

**Amendment No. 2**

On page 3 of said bill, strike out lines 11 to 13, inclusive, and insert "Board of Pharmacy."

**Amendment No. 3**

On page 3, line 24, of said bill, strike out "receipt", and insert "purchase".

**Amendment No. 4**

On page 6 of said bill, after line 48, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under the present law sulfanilamides and substituted sulfanilamides, or compounds or mixtures thereof, for the treatment of poultry can be acquired by poultrymen only after considerable delay and the consequences of such delay may be the serious depletion of the poultrymen's flocks because of disease which could be cured by such preparations. Certain diseases of poultry may break out at any time in any flock and unless measures are taken to provide for the immediate application of necessary remedies there is a danger that the meat supply of the State will be seriously affected. Consequently, in order to assure a continued supply of poultry meat to the people of the State it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 175**

Senator Swing moved that Assembly Bill No. 175 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 175**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results

thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 17, of the printed bill, as amended, after "Association" insert "Citrus Fruit Fairs as defined in Section 94 of the Agricultural Code,".

**Amendment No. 2**

On page 2, line 18, of the printed bill, as amended, following "article" insert "except money allocated by the Director of Finance for fair purposes under the provisions of Section 19626 of the Business and Professions Code,".

**Amendment No. 3**

On page 2, line 19, of the printed bill, as amended, after "code", insert "and Section 435 of the Political Code".

**Amendment No. 4**

On page 2, line 28, of the printed bill, as amended, strike out "1946", and insert "1945".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Governmental Efficiency.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1763**

Senator Tenney moved that Assembly Bill No. 1763 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1763**—An act to add Chapter 17, comprising Sections 9000 to 9098, inclusive, to Division 3 of the Business and Professions Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "17, comprising Sections 9000 to 9098," and insert "18, comprising Sections 9500 to 9597,".

**Amendment No. 2**

In line 2 of the title of said bill, after "Code," insert "and to repeal Sections 13313 to 13324, inclusive, 13600 to 13608, inclusive, 13610, 13612 to 13616, inclusive, 13650 to 13652, inclusive, 13654 to 13657, inclusive, 13675 to 13677, inclusive, of the Health and Safety Code,".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "17", and insert "18".

**Amendment No. 4**

On page 1, line 4, of said bill, strike out "17", and insert "18".

**Amendment No. 5**

On page 1, line 8, of said bill, strike out "9000", and insert "9500".

**Amendment No. 6**

On page 1, line 10, of said bill, strike out "9001", and insert "9501".

**Amendment No. 7**

On page 2, line 1, of said bill, strike out "9002", and insert "9502".

**Amendment No. 8**

On page 2, line 4, of said bill, strike out "9003", and insert "9503".

**Amendment No. 9**

On page 2, line 8, of said bill, strike out "9004", and insert "9504".

**Amendment No. 10**

On page 2, line 12, of said bill, strike out "9005", and insert "9505".

**Amendment No. 11**

On page 2, line 21, of said bill, strike out "9006", and insert "9506".

**Amendment No. 12**

On page 2, line 28, of said bill, strike out "9007", and insert "9507".

**Amendment No. 13**

On page 2, line 35, of said bill, strike out "9008", and insert "9508".

**Amendment No. 14**

On page 2, line 42, of said bill, strike out "9009", and insert "9509".

**Amendment No. 15**

On page 2, line 47, of said bill, strike out "9010", and insert "9510".

**Amendment No. 16**

On page 2, line 51, of said bill, strike out "9011", and insert "9511".

**Amendment No. 17**

On page 3, line 7, of said bill, strike out "9012", and insert "9512".

**Amendment No. 18**

On page 3, line 9, of said bill, strike out "9013", and insert "9513".

**Amendment No. 19**

On page 3, line 11, of said bill, strike out "9014", and insert "9514".

**Amendment No. 20**

On page 3, line 13, of said bill, strike out "9015", and insert "9515".

**Amendment No. 21**

On page 3, line 17, of said bill, strike out "9016", and insert "9516".

**Amendment No. 22**

On page 3, line 25, of said bill, strike out "9018", and insert "9517".

**Amendment No. 23**

On page 3, line 28, of said bill, strike out "9019", and insert "9518".

**Amendment No. 24**

On page 3, line 29, of said bill, strike out "9020", and insert "9519".

**Amendment No. 25**

On page 3, line 33, of said bill, strike out "9021", and insert "9520".

**Amendment No. 26**

On page 3, line 36, of said bill, strike out "9023", and insert "9521".

**Amendment No. 27**

On page 3, line 40, of said bill, strike out "9024", and insert "9522".

**Amendment No. 28**

On page 3, line 43, of said bill, strike out "9025", and insert "9523".

**Amendment No. 29**

On page 3, line 51, of said bill, strike out "9030", and insert "9530".

**Amendment No. 30**

On page 4, line 20, of said bill, strike out "9031", and insert "9531".

**Amendment No. 31**

On page 4, line 39, of said bill, strike out "9032", and insert "9532".

**Amendment No. 32**

On page 4, line 49, of said bill, strike out "9033", and insert "9533".



**Amendment No. 33**

On page 5, line 9, of said bill, strike out "9034", and insert "9534".

**Amendment No. 34**

On page 5, line 25, of said bill, strike out "9040", and insert "9540".

**Amendment No. 35**

On page 5, line 39, of said bill, strike out "9041", and insert "9541".

**Amendment No. 36**

On page 6, line 1, of said bill, strike out "9042", and insert "9542".

**Amendment No. 37**

On page 6, line 5, of said bill, strike out "9043", and insert "9543".

**Amendment No. 38**

On page 6, line 14, of said bill, strike out "9050", and insert "9550".

**Amendment No. 39**

On page 6, line 21, of said bill, strike out "9051", and insert "9551".

**Amendment No. 40**

On page 6, line 26, of said bill, strike out "9052", and insert "9552".

**Amendment No. 41**

On page 6, line 33, of said bill, strike out "9053", and insert "9553".

**Amendment No. 42**

On page 6, line 38, of said bill, strike out "9054", and insert "9554".

**Amendment No. 43**

On page 6, line 45, of said bill, strike out "9060", and insert "9560".

**Amendment No. 44**

On page 6, line 48, of said bill, strike out "9061", and insert "9561".

**Amendment No. 45**

On page 7, line 1, of said bill, strike out "9064", and insert "9562".

**Amendment No. 46**

On page 7, line 9, of said bill, strike out "9065", and insert "9563".

**Amendment No. 47**

On page 7, line 16, of said bill, strike out "9066", and insert "9564".

**Amendment No. 48**

On page 7, line 28, of said bill, strike out "9067", and insert "9565".

**Amendment No. 49**

On page 8, line 1, of said bill, strike out out "9068", and insert "9566".

**Amendment No. 50**

On page 8, line 16, of said bill, strike out "9069", and insert "9567".

**Amendment No. 51**

On page 8, line 22, of said bill, strike out "9075", and insert "9575".

**Amendment No. 52**

On page 8, line 44, of said bill, strike out "9076", and insert "9576".

**Amendment No. 53**

On page 8, line 48, of said bill, strike out "9077", and insert "9577".

**Amendment No. 54**

On page 9, line 3, of said bill, strike out "9080", and insert "9580".

**Amendment No. 55**

On page 9, line 21, of said bill, strike out "9081", and insert "9581".

**Amendment No. 56**

On page 9, line 31, of said bill, strike out "9082", and insert "9582".

**Amendment No. 57**

On page 9, line 38, of said bill, strike out "9090", and insert "9590".

**Amendment No. 58**

On page 9, line 43, of said bill, strike out "9091", and insert "9591".

**Amendment No. 59**

On page 9, line 46, of said bill, strike out "9092", and insert "9592".

**Amendment No. 60**

On page 10, line 3, of said bill, strike out "9094", and insert "9593".

**Amendment No. 61**

On page 10, line 7, of said bill, strike out "9095", and insert "9594".

**Amendment No. 62**

On page 10, line 35, of said bill, strike out "9095.5", and insert "9595".

**Amendment No. 63**

On page 10, line 44, of said bill, strike out "9096", and insert "9596".

**Amendment No. 64**

On page 10, line 48, of said bill, strike out "9097", and insert "9597".

**Amendment No. 65**

On page 8, line 41, of the printed bill, as amended, after "Fund", insert "or, if the State Fire Marshal's Fund is abolished, in any other fund from which appropriations are made for the support of the office of the State Fire Marshal".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 986**

Senator Tenney moved that Assembly Bill No. 986 be withdrawn from Committee on Social Welfare for purpose of amendment and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 986**—An act to add Section 104.6 to the Welfare and Institutions Code, relating to Public Assistance, and requiring prompt county compliance with the orders of the State Social Welfare Board.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 4 of the title of the printed bill, as amended, strike out "orders", and insert "awards".

**Amendment No. 2**

On page 1, line 4, of said bill, strike out "order", and insert "award".

**Amendment No. 3**

On page 1 of said bill, strike out lines 5 to 8, inclusive, and insert "Board in favor of an applicant for or recipient of aid to the aged, aid to the blind, or aid to needy children, which is directed to the board of supervisors. Each board of supervisors is presumed to have knowledge of every such award directed to it."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1013**—An act to amend Sections 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the

investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment :

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, strike out "said act", and insert "the act cited in the title hereof".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 958**—An act to amend Section 5216 of the Education Code, and to add Sections 6929.1 and 6931.1 to said code, all relating to the supervision of instruction in elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments :

**Amendment No. 1**

On page 3, line 13, of the printed bill, as amended, strike out "the first", and insert "each".

**Amendment No. 2**

On page 3, line 22, of said bill, strike out "the first", and insert "each".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILLS  
NOS. 153, 1117, 845, 828, AND 533**

Senator Crittenden moved that Assembly Bills Nos. 153, 1117, 845, 828, and 533 be withdrawn from Committee on Agriculture and referred to Committee on Finance.

Motion carried.

**RESOLUTIONS**

The following resolutions were offered by Senator Carter :

**Senate Resolution No. 135**

Relative to the passing of Arthur M. Dean.

WHEREAS, The members of the Senate have learned with regret of the passing in Redding on June 5, 1945, of Arthur M. Dean ; and

WHEREAS, This prominent attorney of Shasta County had served as a member of the Assembly for the Counties of Shasta, Modoc and Lassen during the 38th Session, from 1909 to 1911 ; and

WHEREAS, It is fitting that official tribute be paid this former legislator who, as such, rendered able service in behalf of his District and his State and had long been an outstanding member of his community ; now, therefore, be it

*Resolved by the Senate of the State of California*, That when the Senate this day adjourns it shall do so out of respect to the memory of Arthur M. Dean ; and be it further

*Resolved*, That we, the members, do hereby extend to Mrs. Arthur M. Dean, the bereaved widow, our sincere sympathy in the profound sorrow which is now hers ; and be it further

*Resolved*, That the Secretary of the Senate is directed to convey to Mrs. Arthur M. Dean this expression of tribute to the memory of her husband.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret.

By Senator Judah:

**Senate Resolution No. 136**

Relative to the creation of the Senate Committee on shore line development and beach erosion

WHEREAS, The beaches along the California Coast afford tremendous possibilities for development for recreational purposes which will prove to be an economic asset when tourist travel to this State again will become normal; and

WHEREAS, The Governor of the State of California and others have proposed that the State enter into a program of acquisition of beach lands principally for park and recreational purposes but also in connection with problems arising from beach erosion; and

WHEREAS, In providing for such a program it is essential that the Legislature be fully informed as to the facts regarding the desirability of acquiring available beaches in order that such State funds as are made available will be expended judiciously and for the best interests of the people of the State; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Committee on shore line development and beach erosion is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the subject of this resolution, including but not limited to the consideration and recommendation of suitable areas that it appears desirable for the State to acquire, and the reasons therefor, and further including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of seven members of the Senate appointed by the Committee on Rules thereof.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the 15th legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time (which provisions are incorporated herein and made applicable to this committee and its members).

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To confer and cooperate with Federal and local agencies and instrumentalities with reference to shore line protection and prevention of erosion and any and all other matters pertaining to the subject of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

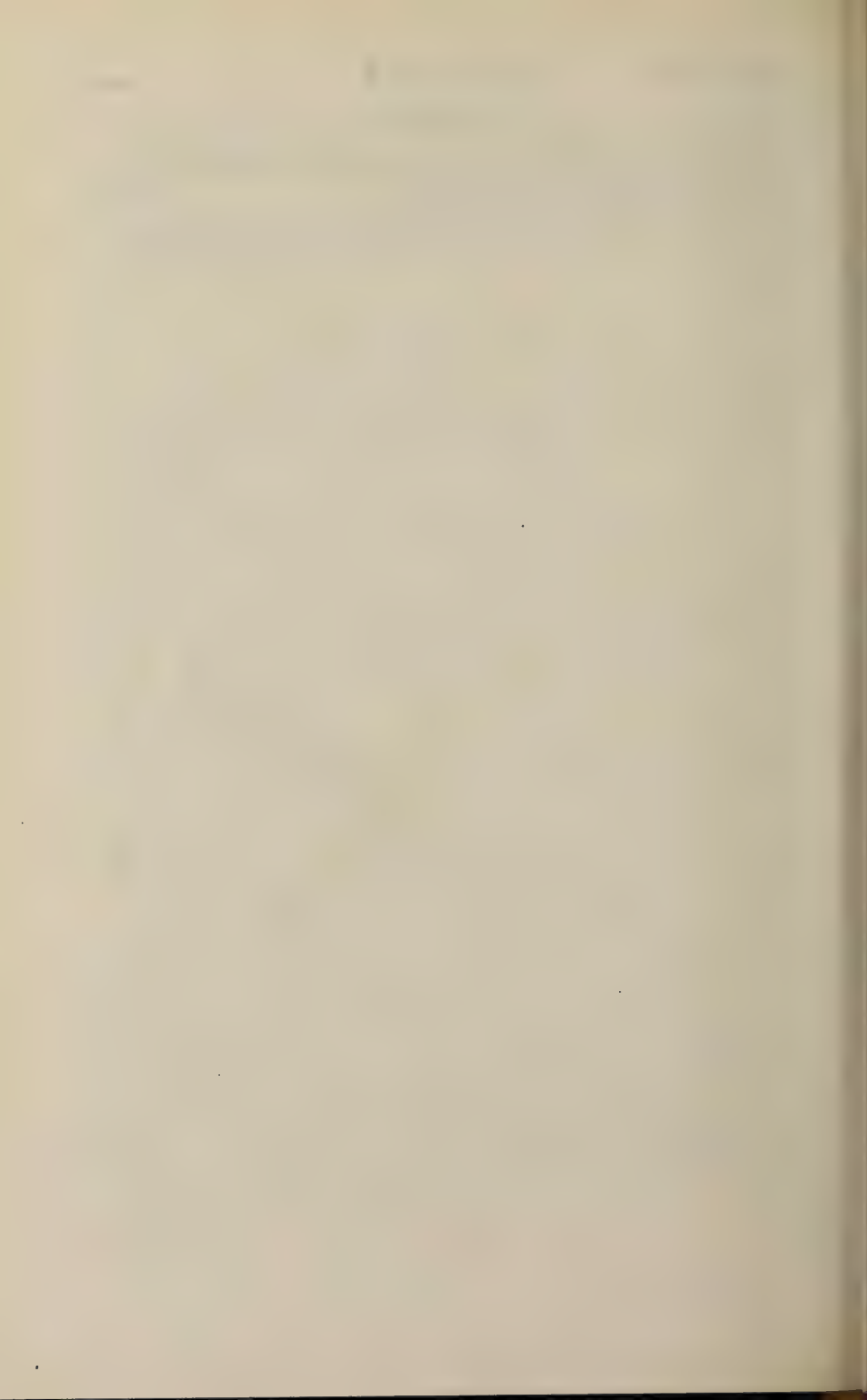
Resolution read, and referred to Committee on Rules.



**ADJOURNMENT**

At 4.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, June 11, 1945, out of respect to the memory of the late Arthur M. Dean.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

NINETY-SECOND LEGISLATIVE DAY

ONE HUNDRED FIFTY-FIFTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, June 11, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by Rev. Cecil B. Lawter, Lt. Col., area chaplain, Sacramento Air Technical Service Command, McClelland Field.

## MOTION TO PRINT PRAYER

Senator McBride moved that the prayer offered by Rev. Cecil B. Lawter, be printed in the Journal.

Motion carried.

Prayer Offered by Chaplain (Lt. Col.) Cecil B. Lawter, Area Chaplain  
Sacramento Air Technical Service Command at Opening of  
Senate, Monday, June 11, 1945

Eternal God, we give Thee humble praise for all Thy blessings. We thank Thee for all military victories that have come to our allied armies. We pause today to pray for those who occupy positions of power and authority. Give strength, wisdom and courage to the President of the United States, our allied military leaders and fighters, and all assemblies that make laws and govern our people.

Enable us, O God, to be tolerant, open-minded and sincere. Keep before us the lofty ideals that lead to peace and contentment. May we never lose sight of the principles of true greatness that have established our American way of life.

We pray for the members of our armed forces who are scattered throughout the world. Give Thy peace and comfort to those who are wounded, suffering and dying. Peace to those who sleep beneath the white crosses and the stars of David. Love to those who return to the shores of our land. If it be Thy will, O God, may the war soon cease, and may Thy peace be established among the Nations of the world.

Help us as individuals to do all within our power to labor, sacrifice, and support the all-out war effort until final victory is complete.

In the name of our Eternal God we make our prayer.—AMEN

#### LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Cunningham, on motion of Senator McBride, due to illness.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Winston of Calistoga.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George A. Kennedy of Sebastapol.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Fred Mae of San Francisco.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 9 adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 191**—An act to add Sections 3088.5 and 3475 to the Welfare and Institutions Code, relating to aid to the blind, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1048  
Assembly Bill No. 220

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### REPORTS OF STANDING COMMITTEES

##### Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 364	Assembly Bill No. 1082
Assembly Bill No. 848	Assembly Bill No. 2180

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 601	Assembly Bill No. 1191
Assembly Bill No. 646	Assembly Bill No. 1811
Assembly Bill No. 1190	

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.



**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 9, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 63

Senate Concurrent Resolution No. 66

Assembly Concurrent Resolution No. 47

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 918**

Senator McBride moved that Assembly Bill No. 918 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 918**—An act to amend Sections 10490, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4, and 10972 of, to add Section 10498.6 to, and to repeal Section 10241 of the Insurance Code, relating to insurance.

Bill read second time.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

Strike out lines 1 and 2 of the title of the printed bill, as amended, and insert "An act to amend Sections 10492, 10493, 10494, 10498.5, 10500, 10501,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 2 to 19, inclusive; and on page 2 of said bill, strike out lines 1 to 5, inclusive.

**Amendment No. 3**

On page 2, line 6, of said bill, strike out "SEC. 3", and insert "SEC. 2".

**Amendment No. 4**

On page 2, line 14, of said bill, strike out "SEC. 4", and insert "SEC. 3".

**Amendment No. 5**

On page 2, line 37, of said bill, strike out "SEC. 5", and insert "SEC. 4".

**Amendment No. 6**

On page 3 of said bill, strike out lines 5 to 50, inclusive.

**Amendment No. 7**

On page 4 of said bill, strike out lines 1 to 40, inclusive.

**Amendment No. 8**

On page 4, line 41, of said bill, strike out "SEC. 10", and insert "SEC. 5".

**Amendment No. 9**

On page 5 of said bill, strike out lines 1 to 33, inclusive.

**Amendment No. 10**

On page 5, line 34, of said bill, strike out "SEC. 12", and insert "SEC. 6".

**Amendment No. 11**

On page 5, line 45, of said bill, strike out "SEC. 13", and insert "SEC. 7".

**Amendment No. 12**

On page 6, line 7, of said bill, strike out "SEC. 14", and insert "SEC. 8".

**Amendment No. 13**

On page 6, line 36, of said bill, strike out "SEC. 15", and insert "SEC. 9".

**Amendment No. 14**

On page 7, line 1, of said bill, strike out "SEC. 16", and insert "SEC. 10".

**Amendment No. 15**

On page 7, line 8, of said bill, strike out "SEC. 17", and insert "SEC. 11".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 392**—An act to amend Sections 2c and 15 of the Los Angeles County Flood Control Act, relating to work and services performed for the Los Angeles County Flood Control District.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "SECTIONS 2c and", and insert "Section".

**Amendment No. 2**

On page 3 of said bill, as amended, strike out lines 7 to 24, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Joint Resolution No. 45**—Relative to memorializing the President, the Secretary of State, and the Congress to retain full control over Japanese owned or mandated islands in the Pacific which heretofore have been, or hereafter may be, captured by the United States in the course of the war.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolution was offered by Senator Powers:

## Senate Resolution No. 137

*Resolved*, That the following named persons be stricken from the list of Senate Attaches, and that their names be stricken from the pay roll of the Senate, to take effect on completion of work June 9, 1945:

<i>Name</i>	<i>Position</i>	<i>Per diem</i>
Grace McLaughlin, Secretary to Attaches Committee	-----	\$10 00
Alysse Osmonson, Secretary to Rules Committee	-----	10 00
Maud Grimshaw, Secretary to Governmental Efficiency	-----	10 00
Helen Rhodes, Secretary to Finance Committee	-----	10 00
Geraldine Hall, Secretary to Revenue & Taxation	-----	10 00
Laura Zacher, Secretary to Judiciary Committee	-----	10 00
Flora R. Gilliam, Stenographer	-----	10 00
Ora Lee Allshouse, Stenographer	-----	8 00
Annah May Barbee, Stenographer	-----	8 00
Margaret Deuel, Stenographer	-----	8 00
Lila J. Dodds, Stenographer	-----	8 00
Winifred S. Dryden, Stenographer	-----	8 00
Wanda Durkee, Stenographer	-----	8 00
Walter Ernst, Stenographer	-----	8 00
Ann K. French, Stenographer	-----	8 00
Mildred Grayson, Stenographer	-----	8 00
Sylvia M. Johnson, Stenographer	-----	8 00
Helen Myers, Stenographer	-----	8 00
Sylvia Perry, Stenographer	-----	8 00
Muriel Porter, Stenographer	-----	8 00
Audrey Sellman, Stenographer	-----	8 00
Pauline Sheehy, Stenographer	-----	8 00
David Shipp, Stenographer	-----	8 00
Vernette Sturm, Stenographer	-----	8 00
Kathryn Tankersley, Stenographer	-----	8 00
Della S. Thomas, Stenographer	-----	8 00
Betty K. Wallace, Stenographer	-----	8 00
Sue R. Wilkins, Stenographer	-----	8 00
Lucy H. Wright, Stenographer	-----	8 00
Marguerite Bridges, Stenographer	-----	8 00

Resolution read, and on motion of Senator Powers adopted.

## MOTION TO APPROVE SENATE JOURNAL

Senator Seawell moved that The Senate Journals of Monday, June 4, 1945, Tuesday, June 5, 1945, Wednesday, June 6, 1945, Thursday, June 7, 1945, Friday, June 8, 1945, and Saturday, June 9, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

## CONSIDERATION OF DAILY FILE (RESUMED)

## CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Sections 3.1 and 3.2 to Article IX of said Constitution, relating to county superintendents of schools.

## Motion to Reconsider Assembly Constitutional Amendment No. 17

Pursuant to his motion previously made, Senator Dilworth moved that the Senate, at this time, reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

## Previous Question

Senator McBride moved the previous question.

Motion carried.

The question being on the motion by Senator Dilworth to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Dilworth moved a call of the Senate.

Motion carried. Time, 2.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## CONSIDERATION OF SPECIAL ORDER

The hour of 2 p.m. having arrived, Assembly Bill No. 1281 was taken up.

**Assembly Bill No. 1281**—An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

Bill read third time.

## Motion to Amend

Senator Sutton moved the adoption of the following amendment:

## Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 47 to 52, and insert "1201. Male pheasants may be taken between November 20th and November 27th and between sunrise and one-half hour after sunset on each of such days, except that no pheasant may be taken on the opening day of the season before 10 o'clock a.m. The bag limit is two male pheasants per day and not more than 10 such pheasants per season. Not more than two such pheasants may be possessed by any one person during the opening day and not more than four such pheasants may be possessed by any one person during any one of the remaining days of the open season."

Amendment read and adopted.

Bill ordered printed, and to third reading.

## UNFINISHED BUSINESS

**Senate Bill No. 359**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants.

## CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 359 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Sutton, Swing, Tenney, Ward, and Weybret—31.



**Senate Bill No. 216**—An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class.

**CONSIDERATION OF GOVERNOR'S VETO**

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 216 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Breed, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Shelley, Sutton, Swing, Tenney, Ward, and Weybret—33.

**Senate Bill No. 215**—An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class.

**CONSIDERATION OF GOVERNOR'S VETO**

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 215 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Breed, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Sutton, Swing, Tenney, Ward, and Weybret—33.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 278**—An act to amend Sections 67 and 80 of the Unemployment Insurance Act, relating to the payment of benefits pending appeals.

Bill read third time, and presented by Senator Tenney.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

On line 1 of the title of the printed bill, after the word "act", insert "to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act and".

**Amendment No. 2**

Between the enacting clause and line 1, insert the following:

"SECTION 1. Section 7.6 is added to the act cited in the title hereof, to read:

Sec. 7.6. The term 'employment' does not include services performed by an individual for a person, association, organization, partnership, or corporation as an insurance agent, except as a debit agent or rewrite agent as such debit agent and rewrite agent may be defined by authorized regulations, if all such services performed by such individual for such person, association, organization, partnership, or corporation are performed for remuneration solely by commission."

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "SECTION 1.", and insert "SEC. 2".

**Amendment No. 4**

On page 2, line 22, of the printed bill, strike out "2" and insert "3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 116**—An act to amend Section 5405 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Brown, Carter, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—16.

NOES—Senators Breed, Burns, Collier, Crittenden, Deuel, Dillinger, Dilworth, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Sutton, and Swing—21.

#### Motion to Reconsider

Senator Donnelly moved to reconsider the vote whereby Assembly Bill No. 116 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Donnelly, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 116 was refused passage, was continued until the next legislative day.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.54 p.m., on motion of Senator Dilworth, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 17 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—Senators Breed, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Quinn, Rich, Seawell, and Shelley—11.

Assembly Constitutional Amendment No. 17 ordered placed on third reading.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1205**—An act to amend Sections 5048, 5049 and 5055, and to repeal Section 5100 of, and to add Section 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Kuchel, McCormack, Mixter, Parkman, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1537**—An act to amend Sections 41 and 53 of the Unemployment Insurance Act, relating to unemployment insurance and the amount and duration of benefits payable thereunder.

Bill read third time, and presented by Senator Tenney.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time, 3.28 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 158**—An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Hulse, Jespersen, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 597**—An act to add Chapter 6 to Division 9 of the Public Resources Code, relating to consolidation of soil conservation districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Judah, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1239**—An act creating the Mount San Jacinto Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources and the State Park Commission in connection therewith, and authorizing the Department of Natural Resources and the State Park Commission to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—24.

NOES—Senator Breed—1.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 408**—An act to amend Section 4300b of the Political Code, relating to fees for official services.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mixter, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1431**—An act to add Section 7a to "An act to control and regulate the possession, sale and use of pistols, revolvers, and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject, approved June 13, 1923," relating to firearms.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Hulse, Jespersen, Keating, Kuchel, Mixter, Parkman, Powers, Rich, Slater, Swing, Tenney, Ward, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 673**—An act to add Section 170.1 to the Code of Civil Procedure, relative to the degree of affinity between husband and wife.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Dillinger, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 227**—An act to amend Section 203 of the Probate Code, relating to succession.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1607**—An act authorizing and empowering the Director of Finance to purchase or acquire surplus war property from the Federal Government or its agencies, and creating the Surplus War Property Procurement Advisory Board.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Powers, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.08 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1537 refused passage by the following vote:

AYES—Senators Carter, DeLap, Dillinger, Donnelly, Dorsey, Jespersen, Judah, Keating, Quinn, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—15.

NOES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Desmond, Deuel, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Rich, Sutton, Ward, and Weybret—23.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1774**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 810**—An act to amend Section 14655 of the Health and Safety Code, relating to fire protection districts.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 811**—An act to amend Section 14656 of the Health and Safety Code, relating to fire protection districts.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 812**—An act to amend Section 14657 of the Health and Safety Code, relating to fire protection districts.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 813**—An act to amend Section 14658 of the Health and Safety Code, relating to fire protection districts.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 466**—An act to add Sections 2981 and 2982 to the Civil Code, regulating conditional sale contracts on motor vehicles and providing penalties for violations.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Swing, Tenney, and Weybret—29.

NOES—Senator Crittenden—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2116**—An act to amend Section 1.5 of the Judges' Retirement Act, relating to the judges' retirement system, and providing for the inclusion of time served as a justice of the peace in computing service for the purpose of retirement.

Bill read third time, and presented by Senator Breed.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Carter, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Slater, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2095**—An act to add Sections 585.2 and 592.1 to the Vehicle Code, relating to the stopping or standing of utility vehicles and the removal of vehicles which constitute obstructions to traffic from a highway.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Carter, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2044**—An act to amend Sections 13001 and 13004 of the Health and Safety Code, relating to starting fires.

Bill read third time, and presented by Senator Carter.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Carter, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Mixer moved the adoption of the following amendments:

#### Amendment No. 1

On page 3 of the printed bill, as amended, after line 12, insert "Board of Pharmacy and of the State Bureau of Food and Drug Inspection."

#### Amendment No. 2

On page 3 of said bill, strike out line 14.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

#### Motion to Amend

Senator Breed moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 8, of the printed bill, following the comma, insert "other than public utilities as defined in the Public Utilities Act,".

#### Amendment No. 2

On page 1, line 12, of the printed bill, following "subdivisions", insert "by such corporations".

**Amendment No. 3**

On page 1, line 16, of the printed bill, following the comma, insert "other than public utilities as defined in the Public Utilities Act."

**Amendment No. 4**

On page 2 of the printed bill, following line 22, insert

"Sec. 2. Section 23 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Sec. 23. On or before the fifteenth day of the third month following the close of the income year, as defined in Section 11 hereof, there shall be due and payable, from every National banking association, every other bank, and every financial corporation, of the classes mentioned in Sections 1, 2, and 4 of this act, as a first installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return, which is equal to that percentage of the net income of corporations of the classes referred to in subdivision (3) of Section 4 of this act, which is required to be paid to the State as a franchise tax according to or measured by net income; except, that the first installment of the tax on financial corporations shall not be less than the minimum of twenty-five dollars (\$25).

On or before the fifteenth day following the mailing of notice of the commissioner's determination of the average percentage of net income of corporations of the classes referred to in subdivision (3) of Section 4 of the act, *other than public utilities as defined in the Public Utilities Act*, required to be paid to the State or its political subdivisions in franchise and personal property taxes as provided in Section 4a of this act, on or before the fifteenth day of the ninth month following the close of the income year as defined in Section 11 hereof, whichever is later, there shall be due and payable from every such banking association, bank, and financial corporations, a percentage of their net income as disclosed by the return which is equal to the percentage of the net income of corporations of the classes referred to in subdivision (3) of Section 4 of this act, *other than public utilities as defined in the Public Utilities Act*, required to be paid to the State or its political subdivisions as personal property taxes as determined by the commissioner; provided, however, that the sum of the first and second installments shall not exceed eight per centum of the net income of each such banking association, bank, and financial corporation. The offset herein provided for shall be applied to such second installment.

"In the case of corporations of the classes referred to in subdivision (3) of Section 4 of this act, one-half the amount of tax disclosed by the return shall be due and payable as a first installment of the tax on such corporations on or before the fifteenth day of the third month following the close of the income year, as defined in Section 11 hereof. The balance of the tax shall be due and payable as a second installment on or before the fifteenth day of the ninth month following the close of the income year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment.

"Where an extension of time for filing returns has been granted by the commissioner under the provisions of Section 15 of this act, the first installment shall be paid prior to the expiration of such extension.

"All taxes and interest imposed under this act must be paid to the commissioner in the form of remittances payable to the Franchise Tax Commissioner, and he shall transmit such payments daily to the State Treasurer.

"All moneys received by the State Treasurer shall be deposited by him in a special fund in the State Treasury, to be designated the bank and corporation franchise tax fund, and moneys in said fund shall, upon the order of the State Controller, be transferred into the General Fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder."

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 898**—An act to amend Sections 44, 44.1, 44.3 of, and to add Sections 44.7 and 44.9 to, the Vehicle Code, relating to authorized emergency vehicles.

**Bill read third time.**

**Motion to Amend**

Senator Carter moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, between lines 29 and 30, insert

"(c) A vehicle, privately owned, operated by the chiefs or other authorized members of organized fire departments in responding to emergency calls in connection with lifesaving or other public purposes, not connected with fire calls."

**Amendment read and adopted.**

**Bill ordered printed, and to third reading.**



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

Mr. President: I am directed to inform your honorable body that the Assembly on June 9, 1945, passed:

Assembly Bill No. 460  
 Assembly Bill No. 461  
 Assembly Bill No. 462  
 Assembly Bill No. 604  
 Assembly Bill No. 609  
 Assembly Bill No. 839  
 Assembly Bill No. 842  
 Assembly Bill No. 1002  
 Assembly Bill No. 1007  
 Assembly Bill No. 1086  
 Assembly Bill No. 1304  
 Assembly Bill No. 1344  
 Assembly Bill No. 1387  
 Assembly Bill No. 1483  
 Assembly Bill No. 1573  
 Assembly Bill No. 1599

Assembly Bill No. 1788  
 Assembly Bill No. 1838  
 Assembly Bill No. 1974  
 Assembly Bill No. 2046  
 Assembly Bill No. 2047  
 Assembly Bill No. 2057  
 Assembly Bill No. 2089  
 Assembly Bill No. 2146  
 Assembly Bill No. 2190  
 Assembly Bill No. 2195  
 Assembly Bill No. 2210  
 Assembly Bill No. 2220  
 Assembly Bill No. 2211  
 Assembly Bill No. 2227  
 Assembly Bill No. 2229  
 Assembly Bill No. 2231

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 460**—An act to add Section 3472.5 to the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Social Welfare.

**Assembly Bill No. 461**—An act to add Section 3084.5 to the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Social Welfare.

**Assembly Bill No. 462**—An act to add Section 2020.09 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Welfare.

**Assembly Bill No. 604**—An act to add Section 119 to the Education Code, relating to the liability of members of the State Board of Education.

Referred to Committee on Judiciary.

**Assembly Bill No. 609**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of public officials of California and to make an appropriation therefor.

Referred to Committee on Rules.

**Assembly Bill No. 839**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 842**—An act making an appropriation relating to the salaries of judges of the superior courts to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1002**—An act to amend Sections 11383, 11384, and 11410 of and to add Sections 11412, 11413, 11414, and 11415 to the Government Code, relating to the making, filing, compilation, codification, printing, and publication of the rules and regulations of State officers, boards, authorities, agencies, and commissions.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1007**—An act to add Section 8827 to the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Assembly Bill No. 1086**—An act making an appropriation for the preparation of plans for postwar construction and development projects on State Beaches.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1304**—An act to provide for the acquisition of the Butano Forest as a State Park, and making an appropriation therefor.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1344**—An act to add Section 1873 to the Code of Civil Procedure, relating to blood grouping tests.

Referred to Committee on Judiciary.

**Assembly Bill No. 1387**—An act to amend Sections 3950, 3951, 3952, 3960, 3964, and 3968, and to repeal Section 3965 of the Revenue and Taxation Code, relating to actions by purchasers or holders of tax-deeded property to determine adverse claims to or clouds upon that property.

Referred to Committee on Judiciary.

**Assembly Bill No. 1483**—An act to add Article 8.5 to Chapter 2 of Division 6 of the Education Code, relating to the distribution of State printed textbooks.

Referred to Committee on Education.

**Assembly Bill No. 1573**—An act to amend Section 772 of the Probate Code, relating to notice of sales of personal property generally.

Referred to Committee on Judiciary.

**Assembly Bill No. 1599**—An act to amend Sections 6703, 6731, 6733, and 6787 of, and to add Section 6731.5 to, the Business and Professions Code, relating to the practice of civil engineering.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1788**—An act to amend Section 958 of the Code of Civil Procedure, relating to the court records in the superior court.

Referred to Committee on Judiciary.

**Assembly Bill No. 1838**—An act to amend Sections 226 and 227 of the Civil Code, relating to adoption proceedings.

Referred to Committee on Judiciary.

**Assembly Bill No. 1974**—An act to add Chapter 6 to Part 2 of Division 2 of the Labor Code, comprising Sections 860 to 880, inclusive, providing for minimum wages, maximum hours of work and conditions of employment for female workers in the domestic service industry.

Referred to Committee on Labor.

**Assembly Bill No. 2046**—An act to amend Sections 2 and 26 of the Corporate Securities Act, relating to corporate securities, the definition and issuance thereof and fees to be charged for such issuance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 2047**—An act to add Section 320d to the Civil Code, relating to articles of incorporation.

Referred to Committee on Judiciary.

**Assembly Bill No. 2057**—An act to provide for the relief of hardship and destitution, providing for the administration of such relief by the counties under the supervision of the State Department of Social Welfare, providing for the financing of such relief, and specifying the powers, duties, rights and liabilities of the counties and of the State Department of Social Welfare in relation thereto.

Referred to Committee on Social Welfare.

**Assembly Bill No. 2089**—An act to amend Sections 15002, 15294, 15295, 17254, 17482, 17704, and 17811 of the Health and Safety Code, relating to housing.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 2146**—An act to amend Section 18650 of the Government Code, relating to compensation for the State Personnel Board.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2190**—An act making an appropriation to The Regents of the University of California for expenditure for the Agricultural Extension Division of the College of Agriculture of said university.

Referred to Committee on Finance.

**Assembly Bill No. 2195**—An act to authorize the State Department of Education to aid and assist in the development and conduct of a program of aviation education inaugurated by the Civil Air Patrol, and making an appropriation therefor.

Referred to Committee on Education.

**Assembly Bill No. 2210**—An act to amend Section 26 of the Elections Code, and to add Article 8.5, comprising Sections 2860 to 2871, inclusive, to Chapter 2, Division 5, of said code, relating to primary elections.

Referred to Committee on Elections.

**Assembly Bill No. 2220**—An act to authorize the Youth Authority to sell and convey certain real property in the County of Los Angeles, known as the citrus grove at Fred C. Nelles School, Whittier, California, and appropriating the proceeds for the purchase of a new site of said school.

Referred to Committee on Finance.

**Assembly Bill No. 2211**—An act to add Chapter 3 comprising Sections 1425 to 1430, inclusive, to Division 2 of the Health and Safety Code, relating to emergency services for persons injured in accidents.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 2227**—An act to amend Section 1204 of the Code of Civil Procedure, relating to claims and liens for labor.

Referred to Committee on Judiciary.

**Assembly Bill No. 2229**—An act to amend Section 4 of the Planning Act, relating to the powers and duties of the Planning Commission, including street naming and house-numbering.

Referred to Committee on Local Government.

**Assembly Bill No. 2231**—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to the salary of the State Liquor Administrator.

Referred to Committee on Governmental Efficiency.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 9, 1945 adopted:

Assembly Constitutional Amendment No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Constitutional Amendment No. 37**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by re-wording the fourth proviso in the first sentence of Section 31 of Article IV thereof, relating to loans to veterans.

Referred to Committee on Military and Veterans Affairs.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 22

And reports the same correctly engrossed.

SEAWELL, Chairman



## RESOLUTIONS

The following resolution was offered:

By Senator Donnelly:

**Senate Resolution No. 138**

Relating to the appointment of a Senate Committee on the Japanese Problem

WHEREAS, The presence in the State of California of Japanese aliens and citizens of Japanese descent before the present war caused numerous problems and their return during and after the termination of the war will cause other and perhaps greater problems; and

WHEREAS, In order to be able to act advisedly as to such matters the Senate requires such information as can most readily be ascertained by a committee of its members; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on Japanese Problems is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the return of the Japanese people to this State after termination of the war, and all matters relating to evasions of the Alien Land Laws, to recommend amendments to those laws or additional laws to prevent such evasions, to consider any and all phases of the social, economic, political and National problems arising out of the present war between Japan and the United States of America, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee may make such representations and recommendations to the Federal Government as it may deem advisable, on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and such representations and recommendations shall be representations and recommendations of the committee, and not of the Legislature nor the Senate thereof.

3. The committee shall consist of five members of the Senate appointed by the Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice-chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**PRINTING OF REPORT IN JOURNAL**

Pursuant to the motion made by Senator Biggar on June 7, 1945, the following report of the Senate Interim Committee on the Study of Public Education in the State of California was ordered printed in the Journal of this date.

Report of Senate Interim Committee on the Study of Public Education in the  
State of California, Created by Senate Resolution No. 52,  
Fifty-fifth Regular Session

*Mr. President and Gentlemen of the Senate:*

Your Committee appointed by authority of Senate Resolution No. 52, session of 1943, begs to submit the following report of its activities.

Owing to the restrictions on travel and hotel accommodations, coupled with the unusual burdens placed upon the individual members of the committee caused by the war, the committee was not able to carry out the full intent and purpose for which it was created.

It was difficult to approach the inquiry as would have been possible in peace times. This did not interfere, however, with an investigation of matters which had attracted no little concern among educators and the parents of children attending the public schools which had led up to many proposed changes in the way of legislation which resulted in the decision to ask an interim committee to hold hearings and invite discussion.

It was also felt that the upset conditions incident to the war, and the heavy volume of extra-curricular duties placed upon the schools in the heroic work they were doing in the war effort, was not an opportune time to make a fair evaluation of the school system of California.

A survey of the Public School System of California presents a big undertaking in view of the scope and outstanding opportunities California offers in the education of its youth. There is no function of Government in which the people have taken as much interest as they have in the public schools. They have made certain that the State's educational efforts shall be financially secure by writing into the Constitution a provision which gives the public schools first claim on all of the State's revenue. They have endeavored to equalize the allocation of school funds so that all children in the State, wherever they may reside, shall have an equal opportunity for an education. In addition to this, attendance at school is made compulsory up to the age of eighteen.

The structure of the California School System is unsurpassed anywhere. It is well designed, well equipped, well financed and well staffed with excellent teachers. It starts with the kindergarten, follows through the elementary school, high school, junior college, college and university. California school buildings and equipment rank among the best in the world. Textbooks, supplies, health supervision and transportation of pupils to and from school are provided free by the State. Thus, boys and girls are given a wide range of latitude upon which to build useful lives, if advantage is taken of the generosity of the State in furnishing well equipped public schools.

Adult classes and extension courses are offered for older people and this form of education has been broadened materially during the past few years. The adult classes and extension courses are highly commendable and fill a need in our education program. Caution should be exercised to prevent these classes from drifting into fields away from real educational value. Evidence was given your committee of instances where these classes were used more as a means of securing extra funds for the schools conducting them rather than for their educational benefit. In some cases, the open forum classes had apparently been

used as propaganda agencies rather than disseminating useful information. Attention of school administrators is called to this situation.

Your committee was asked to give consideration of the contention on the part of many parents, teachers, students, and the press that the fundamentals of child training, from an educational standpoint, popularly referred to as "The Three R's", were being neglected. It was claimed these subjects were put aside for other methods in the schools of the State, particularly in the primary grades. The committee soon ascertained there was a strong divergence of opinion as between the so-called fundamentalists and the progressives as to the method of instruction, the former insisting there should be a return and retention of the old-time system of teaching the alphabet, reading, writing and arithmetic rather than having this method superseded by the so-called progressive plan of project building, learning by pictures in books, fashioning objects from clay or putty, stringing beads and so on.

Your committee heard witnesses on both sides of the contention just mentioned, a comprehensive and quite interesting story, related by school supervisors and teachers, parents and friends of the public schools. Those interested can read the evidence given the committee on this stirring topic from the transcript of the records. Publicity given the story of the hearing and the opinions on both sides has resulted, committee members have been informed, in a substantial readoption in many schools of the so-called fundamentals or at least the establishing of a happy medium.

Your committee believes this important matter requires a more thorough scrutiny. This scrutiny should begin with a study of what is being taught our teachers in colleges and universities. This should be followed by examining the actual teaching methods used in the schools. Test examinations in essential subjects should be given the pupils in the elementary and high schools in different parts of the State. The test questions should be given by the teachers of the schools visited and in the presence of a legislative committee. The questions should be prepared by competent teachers and should be on a level with what the pupils should have achieved in those subjects at the time in the school year the tests are given. Your chairman has discussed with many teachers this method of appraising the sufficiency of modern teaching methods, and they have approved it as being fair and effective. During its hearings, your committee was invited by teachers to visit their classrooms. Similar invitations came from educators in many sections of the State. For the reasons heretofore mentioned, your committee regretted it was unable to acquiesce in the request.

Before leaving the discussion of the subject matter to which reference has just been made, it is the unanimous belief of the members of your committee that more attention should be given instruction in reading, writing, arithmetic, spelling, history, geography and discipline. Need for giving greater attention to the teaching of these subjects was pointedly presented to the Legislature by the introduction of a measure compelling the teaching of American History in elementary and high schools throughout the State.

As the result of proper fundamental training, a child will have a solid foundation upon which to erect his future education. With such a bulwark, he may acquire knowledge of how to live with his fellowman,



meet the demands of our complex civilization and attain understanding of the deeper meaning of life.

Your committee is strongly of the opinion there should be a revision of the curriculum, from the kindergarten to the college. Many educators believe that the division of the classes on the basis of a 6-4-4 or a 6-3-3-4 plan should replace the existing arrangement of an 8-4-4 plan. For the benefit of those not acquainted with the reference figures, they mean—the 6-4-4 relates to six years in the elementary grades, four comprising the seventh, eighth, ninth and tenth; and four, the eleventh, twelfth, thirteenth and fourteenth grades. The 6-3-3-4 plan means six years in the elementary grades; three comprising the seventh, eighth and ninth; three, the tenth, eleventh and twelfth; and four, the thirteenth, fourteenth, fifteenth and sixteenth grades. Arrangements of classes should be given careful consideration because of the importance in integrating the courses of study leading from early elementary grades to college years.

The committee believes that there should be a standard list of subjects taught in every grade, to be adopted after consultation with leading educational authorities and that such an approved curriculum should be offered in every school district in California as a means of reaching a uniform high standard of education. In our opinion, there is no question but that there should be such revision of the curriculum.

Concurrently with the appointment of your committee, came the employment by the Reconstruction and Reemployment Commission of Dr. George Strayer of Columbia University to conduct an investigation of the State's educational system, its departmental reorganization and its financial structure. In consequence, your committee did not pursue their field of investigation. Prior to his departure, your committee, at the suggestion of the Reconstruction and Reemployment Commission, met with Dr. Strayer and were told by him the results of his inquiry, the nature of his recommendations and the drafting of legislation to carry them into effect. Your committee approved the principle of Dr. Strayer's recommendation concerning the equalizing of funds for the elementary schools.

Members of the committee received letters from teachers complaining of the over enthusiasm exercised by some supervisors in judging their work more by the methods followed rather than by the achievements of the pupils. Your committee believes that a properly educated and trained teacher should know how to teach her classes because of her close knowledge of her students. Teachers should be allowed to develop their own methods of teaching and they should be judged by what the pupils learn and not by whether they are following a cut and dried plan handed down to them, was one of the thoughts projected to us.

The committee commends highly the work that both the Parent-Teacher's Association and the State School Trustees' Association are doing. Both of these organizations keep a close tie between the schools and the people. The more intimate the relationship between the parents and the teachers, the better understanding of the child's need can be had. Likewise the activities of the State Trustees' Association is stimulating keener interest in the minds of trustees as to their responsibilities and opportunities for assisting in the great work our schools are doing.



The war has developed many new problems for our schools. The rapid growth of the population of the State has brought new need for school buildings. It has aggravated the already acute shortage of teachers. The new population of the State has been drawn from people with different backgrounds, and these must be fitted into California conditions. Juvenile delinquency and the let-down in behavior that come with war, put an extreme burden on schools. Fitting courses of study to meet the needs of the returning soldiers is a new and difficult problem. Also the Adult Educational Program must be reevaluated and brought within proper bounds and made more effective.

The many changes in international relationship, and the shift of populations make it necessary that American citizens be more acquainted with foreign languages than heretofore was necessary. Your committee therefore recommends that courses in foreign languages be augmented, especially in Spanish, Russian, and the Oriental languages. The war has forced us into close relationship with the Orient and with Russia. It is imperative that the American people understand the language of these peoples. The future peace of the world is wrapped up in peoples understanding each other. No two peoples can understand each other when neither can speak the language of the other.

Operation of Child Care Centers for children of parents working in war industries was a new function placed upon our schools. They have met the problem admirably and through these centers, they have made a valuable contribution to the war effort.

Experience gained in conducting the Child Care Centers has given impetus to a demand for expanded nursery schools. While the committee does not claim to be competent to judge the need for nursery schools, it does wish to offer a word of caution that such schools do not grow into a system of State care and rearing of children. Any tendency in this direction would lead to undermining home ties and would weaken the love of parent and child, one of the most sacred things in life. There is need, however, for courses in child care and motherhood. Such courses should be given in high schools where both mothers and teen-age girls can be taught proper care of children and other facts of motherhood which all girls and mothers should know.

Your committee was impressed at its hearing in Sacramento with strides made in Vocational Training, particularly during the war time to which California schools contributed so wonderfully.

On this point, Dr. Walter Dexter, State Superintendent of Public Instruction stated: "In the past three years, the State Department of Education has trained about 729,000 workers. In the postwar days, vocational training will become more important than ever. A movement is already under way in California to teach canning of fruit and vegetables."

In view of a long drawn out controversy concerning the compilation and purchase of textbooks, your committee devoted two public hearings to this matter. At these hearings, many salient facts were brought out. The following excerpts from the transcript of testimony given at these hearings will show how textbooks are now provided.

"By Senator Biggar:

Q. Dr. Waterman, what is your official position?

A. I am Chief of the Division of Textbooks and Publications of the State Department of Education.

Q. In the scope of your duties, what part do you take in determining what school books shall be purchased?

A. In the course of my duties, I assist the State Curriculum Commission in their determination of the books to be adopted.

Q. Is it necessary that your approval be had before a book is purchased?

A. No.

Q. Your position, then is just advisory?

A. Yes, sir.

Q. Who has the final decision as to the selection of a book?

A. The State Board of Education.

Q. The State Board?

A. Yes.

Q. They act upon their own, or do they wait until the Curriculum Commission or Dr. Dexter should give their approval?

A. The law requires that before a book may be adopted, the State Board of Education must give the State Curriculum Commission a public hearing on its recommendation for adoption, and that, in general, has been the procedure followed by the Board.

Q. Can a book be adopted without the approval of the Curriculum Commission?

A. Oh, yes.

Q. Does the Board have to follow the recommendation of the Curriculum Commission?

A. No, sir.

Q. Then the Curriculum Commission, as I understand it, is just purely advisory; they have no authority, but are purely advisory to the Board?

A. Yes, sir.

Q. Are books ever purchased for elementary schools without having first been submitted to either the Board or the Curriculum Commission?

A. That has been done.

Q. Is that legal?

A. Not without having been submitted to the Board. The Board is the one that has to adopt.

Q. They must adopt a book before it can be purchased legally?

A. Before it may be purchased by the State as a State textbook, yes.

Q. Doctor, what was the object, then, of the Curriculum Commission?

A. To provide the State Board of Education with professional advice in connection with the adoption of textbooks. The Commission was established by the Legislature, as I recall, in 1927, I think it was, with that object in view.

Q. The Curriculum Commission then suggests a course of study that is followed?

A. That is one of the duties of the Commission, and, as the law states it, to formulate standards for courses of study throughout the public school system. Now, the Commission has never actually formulated a course of study, but it has issued what its Chairman suggests as a course

of study of a teacher's guide. A course of study, to be effective, a State course of study would have to be adopted by the State Board of Education.

SENATOR BIGGAR: One other question on the matter of purchase of books without the approval of the Board or the Curriculum Commission:

Q. Must the schools use those books that may be purchased without the usual approval of all parties?

A. A book cannot be a State series textbook unless it is adopted by the State Board. In other words, that circumstance could not occur. You could not have a State textbook which was not adopted by the Board. Do you mean supplementary books?

Q. Any book that the State pays for and is distributed among our schools.

Q. They must be used?

The law requires that.

A. They must be used, yes.

Q. Whether they have the approval of the Curriculum Commission or not?

A. That is right. The Curriculum Commission merely advises. The board may or may not take its recommendation. The schools must use whatever books are adopted as State textbooks."

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Senator Biggar: Just a question, Doctor, that your earlier testimony brought to my mind, about revision of textbooks.

Q. Do I understand you to say that the contexts of the books have been revised after the books have been contracted for?

A. Yes, that is right.

Q. And the cost of revising has been a State expense, did I understand?

A. If I do any work on it, that is naturally a State expense. The work that the publisher does on it is the publisher's expense.

Q. I would like to pursue that just a little further to find out how that would go. If a publishing house submits a book at the request of the proper authorities and that book is considered for the schools of California, the material in that book, its text, its physical materials and all, are taken and examined by your board, by you and your board, as I understand it.

A. And by the State Curriculum Commission and by the State Board of Education.

Q. They are supposed to go over it very carefully and decide whether that is a proper book to purchase?

A. That is right.

Q. And then, after they contract for it, it frequently happens, from what I have heard you say, that the text is not right; it has got to be revised.

A. I did not mean to convey that impression. It would frequently happen certain revisions would be required; the implication would not be that the text was not right in general. Usually revisions are not extensive in character.



Q. The point I am trying to get at is, why should it happen that after the board, the Curriculum Commission and you examine into the text and make-up of a book, that it should require revision after the contract has been let to buy it?

A. Even the best that is submitted may contain factual errors.

Q. Shouldn't you determine that before you buy the book and not afterward?

A. Regardless of whether it is determined before or after, if the book has errors in it, the errors need to be corrected.

Q. How does it come that the Curriculum Commission and the board may accept a book that has errors? Why do they not determine there are no errors in it before they buy it? That is the point I am trying to get at.

A. I might explain that in this way: If even the best of all the materials that are submitted may have certain errors, those that are not the best may have lots of errors; so if the very best have certain errors in them, it would be necessary to make certain revisions.

Q. Don't you think those errors should be cleared up before you contract to buy the book?

A. That is not the procedure we follow. The procedure we follow is that the material is adopted with such revisions as the board may specify. The other may be a better procedure, but it is not the one that is followed.

Q. Don't you think, as a matter of justice to the State of California, that any revision and all the cost of any revision in any book that has been purchased at a given price and contracted for should be paid by the publishing house that sells the book, and not any of that cost fall upon the State?

Senator Slater: You mean after they have been adopted.

Senator Biggar: After they have been adopted.

A. In general, I would think so. However, in making that statement, I would not want to exclude certain work by the State Department of Education, especially that work in examining the books, in indicating certain revisions that publishers should make; in other words, whatever the State Department of Education needs to do to make it clear to the publisher the changes he must make is naturally a State cost.

Q. To what extent have revisions been made in books that have been purchased at a given price? Has there been at any time any material amount of change as to the subject matter?

A. Generally speaking, not as to subject matter, merely clarification of statements, improving of the wording, and correction of errors. In the case of a recent music book, the Japanese National Anthem was replaced with some other song.

Senator Swan: Q. Do you ever move material from one book to another?

A. Yes, that has been done. That is not so much a change in the substance of what was adopted as a regrading of what was adopted.

Q. It involves a change materially for the grade, doesn't it?

A. For a particular grade, yes.

Q. It amounts to a rather extensive revision for that grade?

A. Yes, that would be true.



Senator Biggar: Q. Has it ever occurred that the results of revision would cheapen the cost of the book finally printed?

A. Would cheapen it?

Q. Yes, cost less to produce it?

Senator Swan: Q. In other words, would material be taken out or certain illustrations eliminated that would reduce the printing cost, the paper cost, and so on?

A. So far as I know, that has never been a consideration.

Senator Biggar: Q. I am just looking at the thing from a purely business viewpoint as to what could happen. Could it be possible that enough material could be removed from a book through revision that it would cost less to produce that book?

A. It would be possible, but there you would use word the "abridge," rather than "revise."

Q. It is not a question of words, it is a question of fact that I am trying to bring out.

A. Well, it would be possible to abridge a book so that it would come under the general heading of revision. But that has never been the policy; it has never been done.

Q. That is the point I am trying to get: It has never been done?

A. Never.

Senator Biggar:

Q. Miss Dougherty, you have served on the State Board of Education?

A. Yes.

Q. How many years?

A. Ten and a half.

Q. What period?

A. Well, from, I think, 1932 or 1933 until, well, just before Governor Olson went out, the July before his term expired.

Q. During your term of office you have acted upon book contracts submitted to you, have you not?

A. I have, Yes.

Q. Will you tell the Committee just what procedure is followed by the Board from your experience in the purchase of books?

A. When the State Department informs the Board that the book contract is to expire, then they request that a notice of a letter be sent out to various publishers for a new book, and when the books are submitted they come to the Department of Education and from there they are sent to the Curriculum Commission and to the members of the State Board for review.

After the time for opening the bides has expired, the Board meets on a specified date and the Curriculum Commission's report is opened and read and gone over. They have a system of evaluating, and the credits of evaluation are given to the books. As a rule, they select three or five of the books, if there are quite a number presented, and the Board then decides which book it wants. It has no obligation to the Curriculum Commission to adopt anything that they recommend. They are advisory, and if the Board members have gone over the book thoroughly, as most of them do, they decide which book they think is set to be adopted for the children of the State of California.

Senator Biggar: I would like to go back to the procedure followed in determining when a book is to be needed and who decides upon the material that the book shall contain.

Q. I understood you to say, Miss Dougherty, that the State Department of Education determines when a new book or books are to be purchased.

A. The State Department notifies the State Board of the time the adoption will expire, and prior to that time, so that the books will be published before the time of expiration. They notify the State Board and the State Board requests the Secretary to send out an invitation for publishers to present books covering the subject.

Q. That applies only to books that are being used in the schools. Now, what do you mean by expiration of the adoption? I do not quite get that clearly in mind.

A. A book formerly was adopted for four years with the privilege of two more. I think books are now adopted for six years with a privilege of two more, or something to that effect—or four years with the privilege of four more—I would not be just positive about that.

When the first expiration comes, they are notified, and they may either re-adopt for the extra years permitted, or call for a new adoption.

Q. That new adoption means new material?

A. Yes.

Q. As I understand it, then, the State Department of Education determines ahead of time whether or not new material is to be added to the book that is now being used. Take, for instance, a history book or a mathematics book—any book that has been used.

A. I do not know that they determine that. They notify the State Board when the contract expires and it is up to the State Board then either to ask for a renewal of the old contract or to give them the additional time, or to request a new adoption, and then they notify their Secretary to publish this.

Q. I can get that point. What I am trying to get at is, how much predetermination is made as to what a book should contain before publishers are asked to submit their books, just in general terms. "Arithmetic for the eighth grade"—is that all that is sent out?

A. I think that is about the substance of it.

Q. These companies submit books that they think, in their judgment are good books for the eighth grade, and then those are submitted to you—I mean not to you, but to the Board of Education and to the Curriculum Commission?

A. Yes.

Q. And they are supposed to analyze those books carefully?

A. Yes.

Q. And report to the Board of Education?

A. The State Board.

Q. The State Board of Education?

A. Yes.

Q. The State Board of Education does not have to pay any attention to the Curriculum Commission's report?

A. Not if they do not wish to. The Curriculum Commission is simply an advisory board, and the State Board has no obligation to follow its recommendation.

## TESTIMONY OF DR. CURTIS WARREN

Senator Biggar:

Q. From your experience, do you consider a curriculum board a real necessity in our system of selecting books for schools?

A. It has been my contention the Curriculum Commission never did carry out the function for which they were established; they were established by a former superintendent, William John Cooper, and the very name implies that they were to make a study of the curriculum practices in California and to offer aid and suggestion in that particular field, which we used to call a course of study, and to my knowledge—unless it be within the last half year, and I can say I was out of the State for some nine months—I am not aware that they ever made a very great effort in that field to fulfill the primary function for which, I think, they were selected. That is my own reaction to it.

And not only that, but I have talked with members who were on the original Curriculum Commission, and they had understood that that was to be perhaps their primary function, as the name implies, "Curriculum Commission." But their chief function has been over the years to select textbooks.

Q. To recommend, rather than select?

A. It amounts to selection. I know it is just a legal technicality, Outside of one recommendation there, it has always amounted to selection. Senator Swan:

Q. You have had wide experience in the public schools of California, haven't you, Dr. Warren? You have been Superintendent of Santa Barbara, Alhambra and elsewhere.

A. Burbank and Santa Barbara.

Q. Your opinion is not newly formed?

A. Oh, no.

Q. You have had opportunity to observe it over the years?

A. That is right.

Senator Biggar: Q. From your experience on the Board, who actually determines the subject matter that makes up what you termed a moment ago a course of study?

A. I think the various school districts do that largely themselves. I think the State Department of Education has a great deal of influence. In our California school system we have local autonomy largely, even if the State Department does not like it.

Q. Do I understand from your statement that local boards may make up their course of study and choose whatever books they want to use, irrespective of the State Department?

A. No, that is not totally true. The State Department places on the approved list the books which may be used, if you are thinking in terms of textbooks.

Senator Slater: Q. Dr. Warren, do you have any well grounded opinion of thought as to any improvement that might be made in the way of selecting the textbooks for the public schools, aside from the present situation, which, of course, has been omitted this afternoon, possibly lacking a little bit of determination?

A. I think the important point to be considered there is the composition of the Commission which selects textbooks, and analyzing or expanding that a bit, my thinking is something like this: Textbooks should be



selected by competent persons. By that I mean people who have first-hand information of the needs of the children, plus textbooks which are available, and also, in some instances, considering the specialized nature of the textbook to be selected, one competent in that field.

Q. Did you say a journalist?

A. A generalist. What I am thinking about is this: when I say it depends on the Commission, it does not depend on my thinking what kind of commission you have, it is the personnel of the commission that is important. As I think over the years of the Curriculum Commission, there have been periods when there have been highly competent persons, and at other times there have been fine educators, but not competent in that area. They were appointed to the Curriculum Commission and then used their staff to do the work for them in that instance. I do not know whether that is defensible or not.

In my own thinking, I do not think it is. I think a person who serves on the Curriculum Commission ought to be selected for his professional and educational competency and not for any influence that he might bring from any particular area as a member of that Commission.

Q. Now, how is it, Dr. Warren, that more California educators do not write more textbooks than they do? Don't you think there are plenty of competent educators in this state who could write more textbooks than they do? Don't you think there are plenty of competent educators in this state who could write textbooks, as Ellwood Coverly and others did years ago?

A. Yes, I think there are probably lots of competent people in California, but on the other hand, I have this feeling: that our children ought to have the advantages of the best textbooks that are written by individuals, no matter what their residence may be, and I would not want to see us restrict the textbooks we choose to just California educators.

Q. I do not mean that, not exactly that. If we followed out that suggestion further, you would have the children taken out and taught without textbooks at all. I imagine they could learn far more in nature—botany—by being taken out and shown the various things, than through the use of a textbook.

A. I wouldn't totally agree with you, Senator Slater. I would say that there could be great improvement if we had competent people who could do that sort of thing. We do not have enough of them, so, consequently, we not only have to rely on textbooks, but then we should have that as a reference book—some, but not the sole means of experience which a child should have by textbook only.

The Witness: What I think is the solution to all this textbook mess would be to allow the elementary schools to select their own textbooks in every district in the State.

Senator Slater: Q. You think that would sum up, after all, the condition and be the remedy therefor?

A. Of course, there is a fallacy in selecting textbooks on a state-wide basis, for the simple reason you assume the children are alike all over the state, and that is not true.

If you assumed the theory that the children ought to be dealt with according to their needs, you would let each district select its own textbooks. Then you would do away with a lot of politics, charges and counter-charges, all the time.



Q. I agree with you, because it may be that children in one county may have more ability than in another county.

A. I have known that for a number of years, ever since I knew you, Senator. \* \* \*

DR. DEXTER TESTIFYING

Q. We are discussing the matter of the selection and purchase of books for schools. What part do you take in the selection of textbooks?

A. As Director of Education and Superintendent of Public Instruction, by virtue of law, I am the Chairman of the Curriculum Commission, as you know, a body of ten persons chosen from the educators of the State to recommend the selection of textbooks to the Board of Education.

Q. Who chooses the members of that commission?

A. The Superintendent appoints the members of the Curriculum Commission with the consent and approval of the Board of Education.

Q. Do they serve at your pleasure?

A. Four years.

Q. They are appointed for a term?

A. When you appoint one, you cannot remove him until the term is over, and I would like to emphasize the fact that the Commission is appointed with the approval of the Board of Education.

Senator Biggar: Q. Doctor, you mentioned that new books are more or less required after a six or eight year period.

A. Yes.

Q. That applies, of course, to books that are in use. Now, how often does it happen that a complete new book that is not in use is suggested that should be used?

A. Once in a long time, Senator Biggar. I am glad that you raised that question, and I should like to go on record as favoring a movement in education which seems to be significant. The California elementary school curriculum has included such subjects as reading, writing, arithmetic, history, geography, and so forth. Those of us who have studied education both from the scientific and professional point of view have a feeling that perhaps we did not deal with the problems of life as early in the school course as we should deal with them. Accordingly we discovered that texts on science for elementary schools were being written and thought there was a possibility of introducing that subject into the elementary curriculum.

Now, may I call attention to the fact that about 351 years ago the scientific attitude came into being. At that particular moment Galileo had been teaching the philosophy of Aristotle, who at some times taught some science, and for 1,900 years Aristotle's philosophy had been pretty well believed to be the truth. Aristotle had said that if you take two balls, one weighing five pounds and another weighing one, same distance above the earth and dropped them at the same time, the one weighing five pounds would travel five times as fast as the one weighing one and would reach the earth at a sooner time.

For 1,700 years people believed the science of Aristotle. Galileo, a young teacher, said he did not believe it and together with his students and faculty he went to a spot designated. He dropped two balls, one weighing five pounds and one weighing one, and to the surprise of all, they dropped at exactly the same rate of speed and reached the ground

at the same time, thus disproving the thesis of Aristotle 1,900 years before. When those balls hit the ground modern civilization started and modern education started, which means that here was a man who reached out into life, gathered facts, built those facts into principles, and tested the principles by experience.

Now, for 351 years we have had the scientific attitude here and there spotted in civilization.

All right. A number of years ago we introduced science into the college curriculum and there we studied the how and the why of life. Finally then it was reduced into the high schools, so we can study general science perhaps in the first year, perhaps biology in the second year, chemistry in the third, and physics in the fourth. But here we have a group of children at the age of, shall we say thirteen or fourteen or fifteen years old who have never faced the real problems of the how and why of life.

Now, if, we then should introduce this subject to students sometime in their career, why not introduce it to them in the very first years of the elementary grades. And so there is a series of books, the how and why of life, a scientific series by L. W. Singer of Syracuse, New York. They start with pictures, a word under the picture, and then another word under a picture, finally coming into sentences, more sentences, then paragraphs, and the first thing you know you are having a group of children dealing with the environment in which they live. They study the why of life, which is to live it abundantly—and that is not political when I say that. The end of life is to live abundantly. The how of life is to understand relationships. And in the understanding of relationships you must understand your environment.

So we came to the conclusion—all of us—that it would be a tremendous advantage to education in California to introduce this series into the elementary grades. And, so far as I know, the introduction was of the highest order, the study was of the very best. It was presented to the last Board over a year ago, and I would have to look into the details of the adoption to answer all the questions, but to my way of thinking, we have for the first time in California adopted the finest series of textbooks that have ever gone into the elementary schools in this commonwealth, and it is the greatest advance in education in the last fifty years. I am glad you let me say that because I am just that enthusiastic about it. \* \* \*

DR. IVAN WATERMAN

First being duly sworn, testified as follows:

Senator Biggar: Q. Dr. Waterman, I am trying to find out what the total cost of this book <sup>(1)</sup> is to the people of California of California under the contract you are going to sign with Singer people?

A. It is impossible to say what the total cost will be because we do not know how many we will distribute, what the minimum distribution will be.

Q. I mean per copy.

A. Per copy?

Q. Per copy.

A. Twelve cents.

<sup>(1)</sup> The first book in the science series, entitled "We See."

Q. That included all the State charges and everything?

A. Everything. That is for the first 50,000. After that will run .01-2/3 less.

Senator Swan: Q. What is the royalty on that?

A. There is no royalty.

Q. No royalty whatever.

A. No, there is no royalty on any of the books.

Q. Explain that situation. How is it possible to get the book without paying any royalty?

A. The same way you would go down and buy a book at the bookstore. We are purchasing printed sheets.

Q. Well, how much profit is being made by the company on the separate sheets?

A. I have no idea.

Q. The Board never made any effort to determine that?

A. So far as I know, the manufacturers and publishers do not indicate exactly what their profits are on a transaction. I have no way of knowing.

Q. Did you present to the Board any figures that would show whether or not they were paying too much or too little for the printed sheets?

A. No, I did not say that. I said I am not familiar with any basis of determining whether the publisher is making too much or too little profit.

Q. How did you determine whether or not this cost was a satisfactory cost?

A. Well, it is a reasonable cost in terms of the cost of other books.

Q. What factors did you consider? Just how did you reach your decision that it was reasonable?

A. On the basis of the market price of books and on the basis of what we paid for books in past years.

Q. You never took into account the problem of royalty at all?

A. Oh, yes.

Q. How did you become familiar with that?

A. The publishers submitted a bid on the basis of royalty.

Q. What was it on that bid?

A. That is 6.22 for the first 50,000 copies and 3.40 cents for additional copies.

Q. In that instance six cents of the cost is royalty out of the twelve cents.

A. It is not royalty, but it might be compared with royalty if you wished to do it.

Q. It can be compared with royalty?

A. Yes, if you want to.

Q. In other words, what would be royalty, if we had royalty in this adoption, would be 50 per cent of the total cost of the book?

A. You mean for the—

Q. The first 50,000.

A. If the State were printing the books and we were paying a royalty instead of paying for the sheets?

Q. Yes.

A. Yes, the figure of six cents for the first 50,000 and three cents for additional copies would be comparable to royalty on other books.



Q. In other words, for the first 50,000 the Board is now paying what amounts to the 50 per cent royalty?

A. 50 per cent of what?

Q. Well, of the total outlay of the first 50,000?

A. It depends. You can say it is 50 per cent of what the total cost of the book to the State might be. That does not mean very much.

Q. It means this, that 50 per cent of the total cost is a royalty cost.

A. That is true, it means that, yes.

Q. In other words, 50 per cent of the cost of this book goes to royalty.

A. That seems to be right, if you want to consider that as a royalty.

\* \* \*

Q. You just testified under oath that in your judgment it would be fair to call this a 50 per cent royalty charge. The book cost the State 12 cents and about six cents of it goes for what would be royalty. Take an arithmetic book and figure it the same way. What did the last arithmetic book cost in percentages? We will forget the list price.

A. We paid a lump sum royalty for the arithmetic books, as I recall it, of a \$1,000,100,000.

Q. How much would that work out a copy? Let us take an adoption that is comparable where there is not a lump sum, but where there is a cost per copy. Do you have any adoption like that there.

A. Oh, yes, most of our books are on the basis of royalty per copy.

Q. Take one of those, then.

A. The lowest royalty on our list is 3.6 cents.

Q. What is the cost of the book to the State?

A. The cost of manufacturing that book was 6.4 cents.

Q. So that is about 50 per cent, is it?

A. No, that is the cost of manufacture. It would amount to about 33 $\frac{1}{3}$  per cent.

Q. 33 $\frac{1}{3}$  per cent?

A. Roughly, yes. Another book on the list—

Q. Will you identify these books as you go? What was that one you just gave?

A. That is one of the pre-primers. Another pre-primer, royalty 4¢, cost of manufacture about 9¢.

Q. That would be 4¢ out of 13?

A. That is right. The next is 10 out of 30¢; the next is 10 out of 35¢; 10 out of 38¢, and so on.

Q. Do you have any that run 50 per cent?

A. No, we do not, but I would like to disabuse your mind of that 50 per cent figure. Remember that is only for the first 50,000 copies.

Q. Yes, I understand.

A. For additional copies, it is 3.4¢, and that 3.4¢ compares very favorably with what we are paying on the pre-primers right now.

From the testimony given, your Committee is of the opinion the matter should be completely reviewed. We are convinced some better method can be devised to meet what we consider is a most important factor in our educational program. We feel that California talent should be given more encouragement and opportunity to write text books. It is difficult for us to understand why, with our excellent school system and so many competent educators connected therewith, there



are not more text books produced by California authors, and used in our schools.

In view of the fact that your Committee was unable to make a complete analysis of our school system, we strongly recommend that another Committee be appointed to continue and complete the work.

Respectfully submitted.

HERBERT W. SLATER, Member  
CHRIS N. JESPERSEN, Member  
IRWIN T. QUINN, Member  
G. M. BIGGAR, Chairman

#### Statement by Committee Chairman

In submitting the committee report, we offer also an individual report by former Senator J. Harold Swan, who was a member of the committee prior to his retirement from the Legislature, in which he presents his views on the entire educational program in the State.

The former Senator, having served many years in school work, felt that he should be given an opportunity to express his personal observations.

The report follows:

May 18, 1945

*To the Members of the Senate of the State of California:*

**Report and Recommendations of Senator John Harold Swan, Member of Senate Interim Committee on Public Education, Fifty-fifth Session**

#### INTRODUCTION

The report which follows is submitted at this time because my term as a member of the California State Senate expired on January 8, 1945. The other members of the Interim Committee on Public Education, Senators Biggar, Chairman, Slater, Quinn, and Jespersen, have not completed their present terms or have been reelected to new terms.

The committee has not been able to devote as much time to its investigations and deliberations as they had hoped or as is necessary in order to make the sort of comprehensive survey which should be made at this time. All of the Members of the Interim Committee have demonstrated friendship for public education, and every member served in the sincere desire to aid public education and to improve the schools by making constructive suggestions wherever needed. The committee as a whole is genuinely interested in avoiding any criticism of individuals or institutions that is unfair or unkind. Speaking as a teacher and legislator I can personally testify that my four associates on the committee have a deep understanding of the fundamental problems of public education and have always manifested the sincerest interest in and good will toward the California schools.

The committee held several formal hearings where testimony was taken down under oath, and individual members have themselves conducted investigations and have made a real effort to secure the facts about public education in California. This report is based upon a considerable amount of research into curriculum trends and related matters, in which I have had the valuable assistance of Mr. Bert B. Meek, Jr., a

third year graduate student in the School of Jurisprudence at the University of California. He has gone through thousands of items in order to afford background and perspective for the recommendations here made. The conclusions reached and the recommendations made are not, however, matters for which any responsibility can be shifted to him. I desire to acknowledge also the assistance of the Bureau of Public Administration of the University of California in locating educational publications and material.

The report is the report of only one member of the Interim Committee; it is not a minority report; it is an individual report, made at this time for the reason given, and other members of the committee are not in any way, directly or indirectly, responsible for the views expressed. The report is made in the form of recommendations with supporting data and opinion.

## I

### RECOMMENDATIONS ON PURPOSE AND GENERAL OBJECTIVES OF PUBLIC EDUCATION

- (1) *A Redefining of the General Purpose of Public Education in California is Essential at This Time, if the Schools are Going to Render the Service to the People of the State for Which the People are Now Paying Hundreds of Millions of Dollars Every Biennium.*

Tremendous confusion exists in California as to the purpose of public education. The tendency is for professional educators and educational psychologists to speak in generalities or in the peculiar semi-literate dialect they have developed in order to confuse or at least to mystify the uninitiated and to persuade them that public education is one of the learned professions like the law or medicine. No nonsense is so dangerous as the seemingly learned nonsense of the typical schoolman who has majored in education and who believes that teaching consists in method rather than in knowledge of subject-matter. I earnestly warn the members of the legislature to avoid being ensnared or misled by these individuals, who are unfortunately the usual type of unprofessional lobbyist on educational matters.

It appears axiomatic that the schools are not the only educational agency in modern society. The family, the church, the radio, the newspaper, the public library, the lecture forum, the motion picture, and many other institutions and agencies are instrumentalities whereby knowledge and information of a vital nature are effectively disseminated. *The schools should not try to do what all these other agencies do or fail to do.* Yet there are professional educational advisers who insist that the schools must assume the burden of carrying on what is actually a non-school function whenever another agency of society fails in its task of performing it. The result of such a philosophy is that the schools become swamped with duties and can not perform any of them satisfactorily. The schools have enough to do if they perform the functions that are peculiar to them which no other social agency seeks to perform.

Specifically, no other agency in society has as a major objective the teaching of arithmetic or of reading. If a child does not learn to read well in school, it is almost certain that he will never learn to read well. If a child does not learn to drive a car in school, it is by no means as

certain that he will never learn to drive a car. I do not seek to minimize the desirability of instruction in the operation of motor vehicles, but if the schools have to choose between teaching reading and teaching the proper operation of an automobile, obviously they should teach reading. This illustration I give to indicate the nature of the problem of curriculum in the elementary and secondary schools today. A restatement of the purpose of public education is necessary in order to prevent further over-crowding of the curriculum and essential if some pruning of the present curriculum is to be made.

*(2) Definite Standards of Attainment Must be set in Fundamental Subjects and Ways of Measuring Performance Established.*

One of the distressing facts about public education in California is that measured by many criteria it appears that our schools are among the best in the Nation, but measured by the most significant standard which can be applied, namely, the nature of the product, the attainment of our schools is tragically inadequate. If we listen to the reports of professional propagandists for the schools, tremendous progress has made in education; but if we ask a child to read a passage of literature aloud or to write an effective business letter in correct English, we are amazed usually at the illiteracy of the school's product.

I do not propose to enter into any extended discussion of the failure of the schools to train satisfactorily in the fundamental subjects. The evidence is overwhelming that the schools do not train any sizable percentage of students in the tool subjects competently. I do not place the blame on the teachers, nor on the administrators as a group. These persons are in the vast majority of cases sincere, intelligent, overworked, and underpaid individuals. The blame belongs on those who have infected public education with the pernicious doctrines of so-called "progressive education."

I challenge any unprejudiced citizen to make an investigation of the results of modern educational practices and to defend them as achieving desirable levels of attainment in the mastery of the fundamental subjects.

California is paying out hundreds of millions of dollars a biennium for public education, and for this stupendous expenditure is obtaining not a literate democracy, but on the contrary a group of young people who can not read, can not write, can not figure, who have no knowledge of history, of science, of literature, or of government.

I have talked with thousands of college students. They invariably express the view that the years spent in high school and in the elementary grades are practically wasted. I have talked with hundreds of parents, with thousands of teachers. Invariably they feel that something basically is wrong with modern education. This basic and cancerous malady must be excised if the people of the State of California are to get fair return for their investment in public education.

The number of unsolicited letters to members of the Interim Committee from citizens, from teachers, and from students condemning modern educational practices became so large that professional educational organizations inaugurated a campaign of letter writing to the committee to offset the unsolicited letters. I do not want to condemn public education indiscriminately. But I have based my conclusions on many,



many specific instances. It would be unfair and misleading to single out any particular school district for censure. It should be unnecessary to hold an individual up to public scorn when the offenders are so numerous. Doubters should check for themselves. My report covers the schools of the State as a whole, not those of any locality.

In simple justice to the Sacramento City Schools, of whose staff I am a member, I must say that in so far as I can judge, the infection of "progressive" educational fallacies has made, comparatively speaking, little headway in Sacramento.

I desire to enter one letter in the record. It may be assumed safely, I believe, that the ablest students continue their training beyond the high school. Not all bright pupils go on to college, and not all the students who go to college are brilliant, but in the main, it is, I trust, undisputed that those who go to college are the superior ones. Any contrary assumption would result in the most untenable of conclusions. It may be assumed further that if the ablest students do not master the fundamentals, the students who have less ability and less intellectual power will fall below even the meager attainment of the superior students. In short, if the best students are illiterate, can one contend that the poorer students are literate?

With these remarks I now direct the attention of the Legislature to the following communication from Mr. Phil S. Grant, of the University of California Subject A department, which is in charge of training students deficient in the power of written expression. This letter was submitted at my request, and Mr. Grant was told that whatever he said would be included in my report. His remarks are, therefore, the expression of a considered judgment growing out of wide experience.

EXHIBIT A

Committee on Subject A  
Berkeley, Calif.

January 11, 1945

Mr. J. H. Swan  
Boalt Hall, University of California  
Berkeley 4, California

DEAR MR. SWAN: The Committee on Subject A at Berkeley and Los Angeles gives an examination in English composition to about seven thousand students each year. Approximately half of these students fail in the examination and are then required to take a special course in English composition.

We believe that students fail in our examination because they have almost no knowledge of English grammar and therefore have no way of judging whether or not the sentences are correct. They have almost no knowledge of punctuation and frequently do not know whether they have written half a sentence, one sentence, or two sentences. The examinations also reveal the fact that at least half of the students have inadequately developed vocabularies and therefore can not read efficiently even moderately difficult prose.

Yours very truly,

(Signed) PHIL S. GRANT, Supervisor

In connection with the deficiencies revealed in the foregoing letter, I may state, that Senator Herbert Slater, a newspaperman of deep learning and wide experience, during the testimony taken by the committee frequently emphasized the inadequate training in spelling he had observed in the product of modern California schools.

One must exclaim: *If the good students do not learn, how colossal must be the ignorance of the poor students!*



The irony and the bitterness of these revelations is that there is no evidence to show that even the poorest student can not master the fundamentals passably well. One witness told the committee of his success in training the natives of the Philippine Islands in the use of English, where he was handicapped by most primitive facilities. I for one am positive that, if the Filipino can master English, the average California student can likewise learn to read, speak, and write English passably well!

The reaction of professional educational apologists to such facts as Mr. Grant's letter reveals is either to deny them, to admit them but to deny their significance, or to exaggerate the problems which increased school attendance has brought. No one seeks to deny the tremendous problems which confront public education, but they will not be solved by claiming that they have been solved or that what mankind has traditionally considered basic in any education is just a stupid superstitious belief that should be ignored.

(3) *Professional Educators, School Administrators, School Supervisors, and Others That Talk About Training in the Fundamentals Must Be Required to DO Something About Such Training and to Demonstrate the Results of Their Efforts.*

In the past when criticism of lack of training in the fundamentals has been made, an immediate outburst of protestations that fundamentals are stressed has occurred, but these protestations have unfortunately not been accompanied by changes which will insure such an emphasis on the fundamentals that improvement will necessarily result. I once introduced a bill requiring that school administrators be tested in the fundamentals in order to secure a renewal of their certificates. The storm of protest which such a suggestion raised convinced me that there is lacking a genuine interest in insisting upon the fundamentals. Surely no administrator should object to possessing the competency in the fundamentals which it is hoped the graduate of a California high school will attain!

A practical means of obtaining adequate drill in the fundamentals and a marked raising of standards would be to institute State administered examinations in several basic subjects: arithmetic and mathematics, history, English composition, general science, principles of American government. The standings of the various elementary and high schools in such examinations should be made public. If with such examinations is joined the granting of a financial bonus in the way of increased State support to such schools as place a reasonable percentage of their students in the higher passing groups, there will be a strong incentive for stressing the fundamentals, and the actual learning of students would show an amazing improvement. I recommend to the Legislature that such a plan be inaugurated. I predict that professional educational apologists will term such a plan reactionary and unworkable.

(4) *The Most Essential Change Which Must Be Made in California Public Education Is the Immediate Rejection of Unworkable Educational Philosophies, and the Most Pernicious of These Is the So-Called "Progressive Education" Theory That the Experience Curriculum in Which the Pupil Does What He Thinks He Wants to Do Is the Proper Type of Curriculum, That the Pupil Knows What Is Best and That the Learning of the Ages Is Nonsense.*

I do not care to write an essay on the evils of the philosophy of so-called "progressive education" in California. But the evidence is irrefutable that the leadership in elementary education in California is poisoned by the fallacies of this school of thought. It is the evil in this pernicious doctrine that I attack, and not the proponent of the destructive ideas. It is to be regretted that some may mistake an appraisal of the writings and activities of an individual as an attack upon the individual personally. I disaffirm any intention to censure the individual. The individual is in many quarters recognized as an able, intelligent educational leader. In my judgment this particular individual is leading in the wrong direction, and until such leadership is changed, elementary education will be in an increasingly desperate plight. I, therefore, recommend an immediate change in the chief of the Division of Elementary Education in the State Department of Education.

What is wrong with elementary education in California? The answer to this question can be given by asking and answering a further question: What is being taught and what is commended as fine teaching in the elementary schools?

I urge all serious friends of public education in California to read the writings of the Chief of the Division of Elementary Education, State Department of Education. A person of common sense will, I predict, stagger away from such an experience bewildered, amazed, and perplexed. I will cite two brief extracts from recent articles by this individual which are typical. The first selection is from an article entitled "What Practices Are Defensible in Education in Time of Crisis?" published in *The National Elementary Principal* for April, 1941. Bear in mind that in the first selection the writer is talking about second grade pupils.

"A second grade group engaged in a study of wholesale markets became deeply concerned with the lives of the drivers of produce trucks. In their class discussions, they showed insight into the hazards of the health of drivers and the safety of the public, when excessively long hours of monotonous driving are necessary in order to deliver perishable produce to the wholesale market. Another primary group showed similar concern in the conditions surrounding the workers in a neighboring celery field. *Such illustrations are legion. Important social and economic aspects of major areas of experience can be understood by even young children, and the elementary school falls far short of its responsibility in time of crisis if it neglects guiding children into sound economic and social orientation.*" (Italics supplied.)

The individual who wrote the foregoing testified under oath before our Senate Interim Committee that simple arithmetic processes should be postponed beyond the second grade because of their difficulty!

I want to know how second-graders can understand "important social and economic aspects of major areas of experience" when they haven't learned to read, to write, or to add and subtract because such processes are too difficult. I am a liberal; my voting record will demonstrate that I customarily vote with liberals. But I want a child of mine to learn to read and to write before his second grade teacher tries to guide him "into sound economic and social orientation." By the way, just what is "sound economic and social orientation"?

The second excerpt from the writings of this Division Chief I choose because it illustrates the typical educational jargon and mumbo-jumbo which professional educators far too frequently employ. Notice that the writer is discussing good procedure in the elementary schools and cites as an example the case of a second-grade teacher. Observe, too, that these second-grade phenomenals had made a "broad community life study during the previous year". The article, which should be read in its entirety, appeared in the Thirteenth Yearbook, published by the California Elementary School Principals' Association.

"The elementary teacher performs one of her major functions when she creates an environment of objects in such dynamic relationship that they extend and enrich meanings and stimulate the formation of purposes. We may take, for example, the case of a second-grade teacher who decided that her groups of seven-year-olds would be interested in a somewhat intensive study of trains, following a broad community life study during the previous year. She chose this area of experience because she believed (1) it was sufficiently broad and comprehensive to provide for a wide variety of individual and group enterprises, (2) it would involve a considerable exploration of the community during which understanding of social relationships would be increased, (3) it would provide for a sequential development and extension of interests and needs."

I want to say this to the author of the foregoing: If you will teach my son how to write his name and to read simple passages in the old McGuffey primer, I will buy him a wonderful electric train with extra track, switch towers, tunnels, and bridges and will explore the social relationships of the community with him in the rumpus room after dinner each evening while we operate the train. Since I am paying taxes for the schools, it does not seem quite fair for you to have the sport of playing with the train and for me to teach my son to read and to write in the evening when I could be having fun with the train and helping him with social relationships.

The educational philosophy which is illustrated in the foregoing selections is wrecking California schools. Obviously, those who advocate such nonsense must be promptly eliminated from positions of power and influence.

- (5) *The number of professional courses in education required for teaching and administrative credentials should be drastically reduced, and requirements of competency in subject-matter and general cultural attainments or special skills or trade experience substituted.*

The domination which schools of education and education departments in teachers' colleges now possess over public education comes as a consequence of the statutory requirements that must be met by those seeking credentials. Far too many units in pedagogy are now required. I have yet to meet an excellent teacher, and I have talked with thousands, who did not sincerely feel that many of the required courses in education are a sheer waste of time. The advice which I give to those who dispute this statement is to take the courses themselves and find out just how terrible they can be! The most cruel and diabolical punishment that



could be devised for the personnel of a school of education would be to require its members to take and to pass each other's courses!

A complete revision of credential requirements should not be postponed, but should be worked out during the present session. I am convinced that the whole matter of credentials can be solved by two simple amendments to the Education Code:

- (1) Give authority to the Commission of Credentials to set a requirement for any credential of not more than ten units of professional courses in education, and authority to specify the courses.
- (2) Require the major teaching subject department of the candidate for a credential to approve the candidate's competency in the teaching subject. Administrators should be required to establish competency in some teaching subject other than education.

The proper function of schools of education or of departments of education is research in teaching problems under the direction of the subject departments of universities and colleges.

## II

### RECOMMENDATIONS ON ORGANIZATION

- (1) *The Office of Superintendent of Public Instruction should continue to be elective.*

Professional educators with little sense of political reality frequently have advocated that the office of Superintendent of Public Instruction should be made appointive. The argument is advanced that by making the office appointive abler superintendents will be secured and political influences eliminated from the office. Recently this suggestion has been revived, coupled with a fake, farcical device that is labelled an elective Board of Education. The problem is simple: If the schools and their direction in California are to be under the control of the people at all, either the Superintendent or the Board of Education must go to the people in a real, democratic election. Manifestly it is ridiculous to expect ten members of a Board of Education, who do not receive a per diem apart from actual travelling expenses, to carry the expense of a state-wide election or even the expense of a campaign in two or three congressional districts. If the State Board of Education were elective, its personnel might quickly become the "stooges" of the book trust or of some special interest group. Making the office elective in name but not in fact, as has been proposed, would be a fraud upon the voters.

Since the impracticality of making the State Board of Education elective appears obvious, the only alternative, if the people of California are to have anything to say about the direction of the schools, is to continue the office of Superintendent of Public Instruction as an elective one.

It is no dispraise of the superintendents of our large city school systems to state that through the years the Superintendents of Public Instruction have been the equal of or superior to these appointive officials. It is extremely doubtful whether making the office appointive will bring abler men to it. Those who advocate taking the schools from the people by making the Superintendency appointive and the Board also appointive with a fake election subsequent to appointment are no friends of democracy and do a grave disservice to the schools.



- (2) *The salary of the Superintendent of Public Instruction should be fixed at \$10,000.*

The present salary of the Superintendent of Public Instruction is \$5,000. Most city superintendents receive larger salaries. One is reputed to receive \$14,000 per year. A careful survey made by my research assistant, Mr. Meek, discloses that States of comparable population to California pay from \$9,000 to \$15,000. New Jersey and New York pay \$15,000. Pennsylvania pays \$12,000. Illinois and Massachusetts pay \$9,000. Paying a larger salary will not secure a better superintendent, any more than paying members of the Legislature \$10,000 per year will secure better legislators than California now has, but at least providing an adequate salary will more fairly remunerate the incumbent for his services. \$10,000 seems to be the minimum which California should pay for the position. The salary obviously should be determined by considerations of the nature of the position, wholly apart from any personalities.

- (3) *The State Board of Education should consist of ten members appointed by the Governor and confirmed by the Senate for ten year terms, three members of which should be actual class room teachers, or actual public school administrators. Professors of education should be ineligible to membership.*

The present State Board of Education consists of ten members appointed by the Governor and confirmed by the Senate for four year terms. The terms should be lengthened so that members may have the opportunity to learn their responsibilities and to exercise them with some time perspective. Under the present arrangement, unless special meetings are called, a board member meets only twelve times during his entire term of office.

Since the administration of Gov. James Rolph the membership of the State Board of Education has comprised some teachers or school administrators. Every governor since Governor Rolph has continued this splendid practice, but unfortunately Governor Warren has yielded to the practically unanimous demand of "educators" and educational advisers that the State Board of Education be composed entirely of lay members. This abandonment of a most desirable precedent is regrettable and dangerous.

I readily admit that the literature and pronouncements of educational oracles on the subject agree that it is inadvisable for the State Board of Education to contain members who know by reason of training and daily experience anything about the problems they have to decide. This theory of necessity makes all the lay members dependent entirely upon professional advice rendered by the subordinates they are by law obligated to direct.

Teacher members on the State Board of Education have uncovered racketeering in credentials, improper transactions in the awarding of textbook contracts, unethical practices of members of the State Department of Education with regard to extra employment, and other conditions which would never have come to light under an entirely lay State Board of Education. Interested individuals should, for instance, consult former teacher members concerning the astounding case of the truck-driver's wife, a saga of sex and intrigue. In this instance an

attractive brunette, though not even a high school graduate, secured many credentials, apparently through the intervention of a high state official, who always desired her working near him.

Teacher members are able to give advice of a professional nature that is based on actual classroom experience and that is free from much of the fantastic, unrealistic mumbo-jumbo fed the State Board of Education by professors of education and educational psychologists who lack the knowledge of children which the average parent of ordinary common sense soon acquires. I strongly urge, therefore, that provision be made for the presence of teachers and school administrators on the State Board of Education.

It is regrettably true that among educated people and among teachers generally professors of education and educational psychologists have been unable to earn respect or even tolerance. As a group they are undoubtedly the most illiterate and impractical and stupid individuals to be found in or connected with the whole field of public education. Only rarely does one discover a man of culture like Dean Frank Freeman, Prof. Frank W. Hart, or Prof. Fletcher H. Swift. For the sake of California schools, therefore, no professor of education should sit on the State Board of Education. My remarks may appear somewhat blunt and direct, but the Senate is entitled to know what anyone who cares to investigate can discover for himself.

No criticism can be made of the caliber of the appointees to the State Board of Education. Governors have uniformly selected men and women of ability and character who have sacrificed time and energy for the public good. The appointees of Governor Warren maintain the high standard set by previous governors.

- (4) *The salaries of heads of divisions and other administrative officers in the State Department of Education should be adjusted upward in keeping with the \$10,000 salary paid the superintendent of public instruction. Deputy superintendents should be able to anticipate a salary of \$8,000 and heads of divisions a salary of \$7,200 or \$7,500.*

Through the years several able public servants have been lost to the people of the State because private business or other political agencies or school districts could offer a more adequate salary. It is desirable that such able servants be encouraged to remain in public service by a just remuneration.

- (5) *The Office of Administrative Adviser should be abolished and in its place another deputy superintendency created, to be compensated at the suggested rate of \$8,000. This deputyship should be protected by civil service. In addition to the present duties, which are complex and manifold, this deputyship should be given the responsibility with adequate powers of obtaining general compliance with state law by School districts and by the State Department of Education.*

A grave defect in the present statutory situation as it affects public education is that no method of securing compliance with law is provided that is used or that is effective.

The late Assemblyman Lee Bashore told me of astounding and deliberate evasions of the law which he had discovered. Assemblyman Charles Stream has conducted a gallant one-man fight through the years

to obtain compliance of the State Department of Education with legislation on the teaching of civics and fundamentals. His lack of success in this fight is amazing in the light of the professed eagerness of the State Department of Education to work for the objectives he seeks.

I could mention many instances of flouting of the school law, but the purpose of this report is not to make enemies or to expose particular individuals or deficiencies. I am interested in preventing abuses in the future. Manifestly an able and trained attorney with a unique background of experience in school legislation would be ideally equipped to secure compliance with the provisions of the Education Code. Such an individual is the present Administrative Adviser. He should be given such a responsibility with full power commensurate with his responsibility.

- (6) *The Division of Textbooks and Publications in the State Department of Education should be abolished and the few of its functions which it is desirable to retain transferred to the Division of Research and Statistics.*

Among the members of the State Board of Education who professed any knowledge of the working of this division the opinion was unanimous that it has functioned in an improper and pernicious manner in influencing the selection of State textbooks. One instance of gross and almost unbelievable misfeasance was revealed in the sworn testimony presented to the Interim Committee: a text submitted for consideration for adoption was withheld from the State Board of Education, who knew nothing of the submission until after the adoption had been made. This particular incident did not occur under the present Board. At the time the members of the present Board were questioned their appointment had been so recent that they knew nothing of the functioning in detail of the State Department of Education.

- (7) *The Division of Schoolhouse Planning should be provided with a budget that is at least five or six times as large as the present one and its functions expanded in preparation for the post-war schoolhouse building that will be imperative.*

I have not been able to make an extensive survey of the problems of schoolhouse construction needs, but enough information has been secured to convince me that the splendid work done by this division should be tremendously enlarged. The legislature should call before it the Division Chief in charge and follow his recommendations as to his needs. Substantial saving of public funds in post-war building will surely follow if this division is given a budget that will enable it to function efficiently.

- (8) *The chiefs of the Divisions of Elementary Education and of Secondary Education and the chiefs of any other divisions of the State Department of Education which are charged with enunciating policies and influencing educational practices in California should be removed from the protection of Civil Service and should serve at the pleasure of the Superintendent of Public Instruction.*

The opportunity to control or to influence the course of development of public education in California in either the elementary or the secondary field should not be permanently in the hands of an individual



who, no matter how sincere her conviction, espouses a philosophy of education that experience shows is fantastically unworkable. Yet under the protection of civil service such a condition now exists in California. Manifestly, the necessary constitutional amendments or statutes must be adopted to prevent a zealot from wrecking the California schools. It is possible that certain provisions of the State civil service amendment have worked to the harm of the State in other fields of State action; and interested groups should combine their efforts in order jointly to eliminate these defects without in any way undermining State civil service, for which I have consistently fought.

- (9) *A more precise definition of the relationship between the State Board of Education and the State Department of Education should be made, so that the authority and responsibility of each will be clear.*

The vigilance of the Senate Education Committee at the 1943 session of the legislature prevented an attempt by the State Department of Education to amend the Education Code in a way to deprive the incoming State Board of Education of much of its power. The attempt was made by the State Department without any notice to the State Board of Education whatever, and the hearing on the measures emphasized the necessity for clarification in this field. The present Board of Education indicated by their testimony when before the Senate Interim Committee that they are aware of this problem and are working on it. It is anticipated that a satisfactory solution should be adopted at the 1945 session.

### III

#### RECOMMENDATIONS ON THE SELECTION OF ELEMENTARY TEXTBOOKS AND ON OTHER TOPICS

- (1) *The present system of selecting and adopting textbooks should be radically changed in order to effect a saving of money for the State and in order to eliminate the domination of educational faddists.*

Article IX, Section 7 of the California State Constitution gives to the State Board of Education full authority over the adoption and printing of elementary textbooks. As a matter of actual practice, however, the State Board of Education now is a mere rubber-stamp for the Curriculum Commission, a hand-picked group of "educators" nominated by the Superintendent of Public Instruction and approved as a matter of form by the State Board of Education, since the Superintendent of Public Instruction, and he alone, determines which names shall be submitted to the Board for approval. The State Board of Education when it permits such a delegation of power to the Curriculum Commission would appear to be sanctioning an unconstitutional shifting of power.

Under the Education Code the theory is that the Curriculum Commission shall act as a group of educational experts in the evaluation of textbooks and that its advice is not binding upon the State Board of Education. The board is supposed to hear the report of the Curriculum Commission, and after this report is given to open the bids submitted and ascertain the cost of the proposed adoption. A supplemental report is then secured from the Curriculum Commission, which is invariably to the effect that notwithstanding greater cost the text given first recommendation or the only recommendation by the Commission is the



text that is educationally obligatory. In one instance a text that was practically identical with the text in use was rated only 20 points out of 1,000 points under the first selection; so that, according to former members of the Board of Education testifying before the Interim Committee under oath, retention of the text in use could well have been accomplished without any educational harm and at a saving of over \$100,000. It would appear obvious to the layman that the margin of error normally would be more than 20 points out of 1,000, which is, on the scale of 100, only 2 points. Yet this difference was considered so vital by the Curriculum Commission in the adoption of an arithmetic that the expensive process of a radically new adoption was demanded and achieved.

The criticism of the present procedure in textbook selection and formal adoption centers around the following three points:

- (1) Grave doubts as to its constitutionality,
- (2) The "stooge" position of the State Board of Education in okaying the recommendations of the Curriculum Commission,
- (3) The ineffective control even over price which the Board as a matter of actual fact possesses.

The most recent adoption of importance was that of the so-called "Science" series. It was somewhat farcical to hear board member after board member testify under oath before the Interim Committee that the adoption was made at the first meeting of the new Warren Board with no real knowledge on the part of the members as to what they were doing, except as they invariably stated, relying on the recommendation of the Curriculum Commission. It is still unexplained why an expensive science adoption, the first of such a kind in the history of the state in the words of the State Superintendent, was made, when the subject is not a statutory one and when the pupils for years have been without readers.

In the past the Curriculum Commission used to indulge in the fiction that all their recommendations to the State Board of Education were *unanimous*. They had a rule that majority votes on textbook preferences were to be reported to the State Board as the *unanimous recommendation* of the Curriculum Commission. Of course, the result of such duplicity and trickery was to increase public pressure on the State Board to follow the recommendation of the Curriculum Commission.

It should be remembered that the members of the Curriculum Commission are all selected by the Superintendent of Public Instruction. When the Superintendent of Public Instruction also intervenes with the Governor to advise or consult with the Governor concerning appointments to the State Board of Education whose members confirm the Superintendent's nominees to the Curriculum Commission, it is at once apparent that the Superintendent, who serves with the Curriculum Commission at its meetings and deliberations, has practically unlimited power to dictate what textbooks shall be adopted in California. The possibility of such power being in the hands of one man should not be tolerated. I do not here charge that the incumbent Superintendent of Public Instruction is controlled in any fashion by the "book trust." I am trying to indicate that the present system is unsatisfactory from many points of view.

I strongly urge that the present session of the State Legislature remedy the abuses in the present method of selection and adoption of elementary textbooks.

- (2) *The up-grading of material in California textbooks should be stopped immediately.*

One of the amazing impudences of the "progressive educationalists" who have strongly influenced textbook adoption in California is the fad of "up-grading" material, by which is meant postponing material which textbook authors and publishers have found that students all over the United States can master at a certain grade level to a higher grade level for California students. To illustrate: What the pupils in Kentucky can learn in the fourth grade, the pupils in California must wait until the fifth or sixth grade to have the *opportunity to learn*. In short, grade placement of material in a textbook series has been tampered with in California adoptions to an astounding degree on the theory that students must not start too early to learn anything! I can not take the time of members of the Senate to show the ramifying viciousness of this attitude, but I warn them that under the present system of textbook adoption it is the means whereby a cruel hoax is perpetrated on the children of California. What the school children of other States learn *much earlier* must because of some unfounded fantastic dogma of the educational faddists be postponed in California schools to a later grade. Such is the sworn testimony of former members of the State Board of Education, themselves educators.

I must commend the parochial schools of the State of California for their splendid work in the fundamental subjects and for their freedom from the demoralizing experimental fads of the "progressive educationalists." I have, of course, not had the opportunity to investigate in detail the curriculum of the parochial schools, and it is obvious that officially the committee was not entrusted with that task. But incidentally in the course of my investigation comparisons were possible and inescapable, and I was pleased to discover that the so-called infirmities of California school children are not the infirmities of the children at all, for they learn when properly taught, as shown by the experience of the parochial schools, but are the defects of the methods of teaching forced upon competent teachers, but teachers helpless to protest.

- (3) *The State Legislature should insist that all textbooks required to be furnished under State laws to elementary school pupils be furnished and should make appropriations therefor. It may be necessary and desirable to impeach certain school officials if the present neglect of this constitutional obligation continues.*

As evidence of the outrageous condition now existing in California elementary schools, I offer in evidence the following communication from one of my constituents, an outstanding schoolman, Dan H. Reese of Elk Grove, Sacramento County. His letter was published in the Sacramento Bee of March 22, 1945.

*"Editor of The Bee:*

Sir: Since my recent letter to The Bee regarding the failure of the State Department of Education to furnish needed textbooks for

the elementary schools in California, I have received many letters, cards and telephone calls asking that I state more clearly the situation regarding this basic dereliction of so vital a duty in the education of our youth. Here are the facts in simple language:

English: No text furnished for grades 4, 5, 6 or 8.

History: No text furnished for any of the grades.

Civics and United States Constitution: No text furnished for any of the grades. (Yet, State laws requires pupil to pass examination in civics before diploma of graduation may be granted.)

Geography: No text furnished for any of the grades.

Arithmetic: No text furnished for the eighth grade.

Literature: Text furnished for one half of pupils enrolled in Grade 7 and Grade 8.

Reading: One text furnished for one half of pupils in each grade and a different text furnished for the other half of the same grade.

Science: Text furnished for one half of pupils enrolled in each grade, except in grades 1 to 3, where 20 copies are allotted to each school district.

Health: Text furnished for one half pupils enrolled in grades 4 to 8, inclusive; in grades 1 to 3, no text furnished.

The above information presents a picture of a most deplorable condition existing in the California school system. It is resented by all elementary teachers, principals and superintendents. The children of our State are the losers, and the whole situation cries to high heaven for direct and definite action. The Legislature is in session, and now is the time.

DAN H. REESE, Elk Grove."

The tragic irony of the present failure to supply elementary textbooks is only properly understood when one realizes that in 1941 and again in 1943 huge textbook appropriations were made. In 1941 Assemblyman Cain and I personally arranged a hearing before Governor Olson and members of the Finance Department on the subject of textbook appropriations. I instructed the representatives of the State Department of Education to prepare a *complete* list of all needs. After the conference these particular individuals were *enthusiastic in their expressions that for the first time a full program of textbook adoptions had been provided for. Where are the books today?* In view of the magnitude of the recent unprecedented adoption of a so-called "science series" in a non-statutory subject, it would not appear correct to contend that the war has made it impossible to secure good texts!

(4) *The Petty Tyranny and Dictatorship of State College Presidents Must Be Completely and Permanently Ended.*

The faculties of the State colleges have no real tenure protection and have been at the mercy of tyrannical administrators. Several most distressing incidents of unprofessional conduct on the part of college administrators have been brought to my attention, and I therefore recommend most strongly that the power of the State college presidents over the



tenure of members of State college faculties should be *taken entirely away*. Properly established faculty committees should administer all tenure problems.

In the sound administration of the State colleges more discretion in budgetary controls must be given to the State Department of Education and by it delegated to the proper college officials. At the present time all purchases and other budgetary matters clear through the Department of Finance. The consequence is that delay and inefficiency inevitably result with no compensating advantages.

- (5) *Arbitrary requirements established by local boards of education with reference to salary increases or promotion should not be permitted to undermine tenure protection given competent teachers.*

Certain language in the recent case of *Rible v. Hughes* lends support to the view that legislation is needed to protect the salaries of tenure teachers from arbitrary local regulations.

- (6) *The committee should be continued with ample funds to engage the services of at least two full-time investigators to gather facts and to check on the claims of professional propagandists for educational faddists.*

- (7) *The last years of high school and the years of junior college instruction should be carefully appraised and evaluated in order to eliminate just student criticism of methods and of teacher effectiveness.*

In the higher grades of the public school system a most effective means of improving instruction is the development of a sound and dependable means of obtaining and benefiting by sound student criticism. I recommend that every secondary education public school man investigate the techniques being perfected by Dr. Franz Schneider, University of California, Berkeley, California. This eminent educator has conducted experiments with student reaction sheets and has in spite of misunderstanding and much unjust and hostile attack held high the finest traditions of culture in the emphasis which he gives to the social responsibilities of education. Every high school principal, every junior college president, and every school superintendent should familiarize himself with the pioneering and brilliant contributions of Dr. Schneider in this important field of secondary and higher education.

I would close on a note of real optimism. The present superintendent of the elementary schools in the City of Roseville, California, is sincerely carrying out a well planned educational program that honestly attempts to achieve what the Education Code establishes as the course of study for elementary schools. He has been hampered by the fact that the State Department of Education officials have not complied with the plain intent of the law in many regards, but in spite of this tremendous handicap, the result of his experiment in emphasizing the fundamentals is astoundingly successful. I urge that all California take heart from this courageous example of a sincere and outstanding educator. If other school districts will emulate Roseville's achievements, California schools will easily lead the Nation!

Respectfully submitted.

JOHN HAROLD SWAN, Member Interim Committee, 55th Session



## RECOMMENDATION OF PRESIDENT

Pursuant to Senate Concurrent Resolution No. 53, the President of the Senate recommended to the Senate that permission be granted by the Senate for the Senate to consider and vote upon and pass Senate Concurrent Resolutions, Senate Constitutional Amendments and Senate Joint Resolutions on or after June 9, 1945.

The question being: Shall the Senate grant permission to consider vote upon and pass Senate Concurrent Resolutions, Senate Constitutional Amendments and Senate Joint Resolutions on or after June 9, 1945?

The roll was called, and permission granted by the following vote:

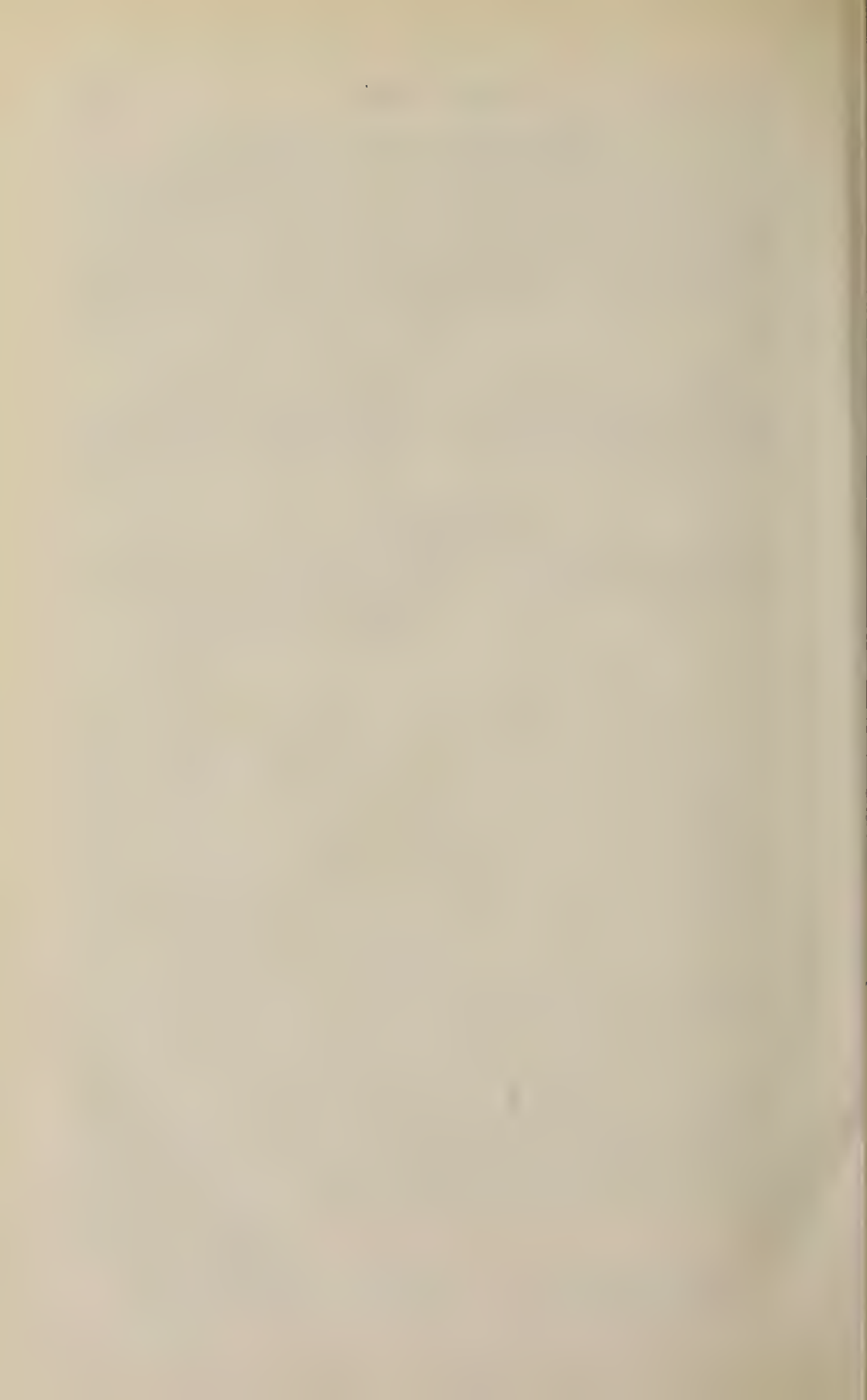
AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

NOES—None.

## ADJOURNMENT

At 5.10 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, June 12, 1945.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

NINETY-THIRD LEGISLATIVE DAY

ONE HUNDRED FIFTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, June 12, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jaspersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Staff Sergeant Benton Hart of San Diego.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander Dudley Harkleroad, United States Naval Reserve.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray Cheesebro, City Attorney of Los Angeles.

On request of Senator Dorsey, the privilege of the floor of the Senate for this day was unanimously extended to John E. Loustalot, of Bakersfield, Sheriff of Kern County.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to O. O. Johnson and Gordon MacAulay, both of Sacramento.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. "Pop" Small, Midshipman Bill Small of Annapolis, and Bob Small of Carmichael.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Grace Lotta and Miss Adene Lotta of Los Angeles; and Mrs. H. E. Taylor and daughter, Miss Joan Taylor of Sacramento.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 629

Assembly Bill No. 1532

Assembly Bill No. 866

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 39

Senate Bill No. 193

Senate Bill No. 205

Senate Bill No. 283

Senate Bill No. 284

Senate Bill No. 314

Senate Bill No. 337

Senate Bill No. 441

Senate Bill No. 257

Senate Bill No. 345

Senate Bill No. 434

Senate Bill No. 524

Senate Bill No. 545

Senate Bill No. 576

Senate Bill No. 577

Senate Bill No. 578

Senate Bill No. 581

Senate Bill No. 582

Senate Bill No. 590

Senate Bill No. 662

Senate Bill No. 764

Senate Bill No. 799

Senate Bill No. 828

Senate Bill No. 909

Senate Bill No. 935

Senate Bill No. 997

Senate Bill No. 999

Senate Bill No. 1226

Senate Bill No. 1255

Senate Bill No. 1273

Senate Bill No. 383

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 144

Senate Bill No. 301

Senate Bill No. 344

Senate Bill No. 392

Senate Bill No. 486

Senate Bill No. 504

Senate Bill No. 518

Senate Bill No. 574

Senate Bill No. 579

Senate Bill No. 651

Senate Bill No. 822

Senate Bill No. 837

Senate Bill No. 899

Senate Bill No. 906

Senate Bill No. 908

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.



## ASSEMBLY CHAMBER, SACRAMENTO, June 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1946

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 1946**—An act to amend Sections 689a and 689b of the Code of Civil Procedure, relating to third party claims.

Referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1855

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2031

Assembly Bill No. 151

Assembly Bill No. 1433

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2225

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 991

Assembly Bill No. 1775

Assembly Bill No. 1880

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 283

Assembly Bill No. 2070

Assembly Bill No. 1305

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1911

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

## Committee on Education

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 625

Assembly Bill No. 1008

Assembly Bill No. 735

Assembly Bill No. 2191

Assembly Bill No. 736

Assembly Bill No. 2216

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 741

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1229

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Constitutional Amendment No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

SLATER, Chairman

Above reported resolution ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Constitutional Amendment No. 36

Assembly Joint Resolution No. 52

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported resolutions ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 391

Assembly Bill No. 960

Assembly Bill No. 739

Assembly Bill No. 1252

Assembly Bill No. 815

Assembly Bill No. 1278

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills re-referred to Committee on Finance.

## CONSIDERATION OF DAILY FILE

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 166**—An act to amend Section 651 of the Elections Code, relating to members of precinct boards.

Bill read third time.

## Motion to Amend

Senator Desmond moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "In", and insert "Except as otherwise provided in this section, in".

## Amendment No. 2

On page 1 of said bill, strike out lines 20 to 26, inclusive, and insert

"In lieu of the one inspector, two judges, and three clerks provided for in this section, the board of supervisors may, not less than 30 days prior to any election, find that a lesser number of election officers will be sufficient for the election and in such case may provide that the precinct board shall consist of either one inspector, one judge, and two clerks or one inspector, one judge, and three clerks."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1428**—An act to amend Section 9606 of and to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Bill read third time.

## Motion to Amend

Senator Weybret moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 14, of the printed bill, as amended, after "Gross Receipts", strike out "do not".

## Amendment No. 2

On page 1, line 15, of said bill, strike out "from the shipment of", and insert "as defined in Section 2(k) of the Public Utilities Act, from engaging in or transacting the business of transporting".

## Amendment No. 3

On page 2 of said bill, strike out line 1 and insert "of any highway common carrier, stage or auto stage line, including revenue derived by an".

**Amendment No. 4**

On page 2, line 3, of said bill, after "it", and before the period insert "incident to such business".

**Amendment No. 5**

On page 2, line 5, of the printed bill, as amended, after "Commission", insert "or the Interstate Commerce Commission".

**Amendment No. 6**

On page 2, line 6, of said bill, after "has", insert "not".

**Amendment No. 7**

On page 2 of said bill, strike out line 7, and insert "included in the transportation charge".

**Amendment No. 8**

On page 2, line 8, of said bill, strike out "transportation".

**Amendment No. 9**

On page 2, line 10, of said bill, after "imposed", and before the period insert "when the tax is collected by the operator as a separate charge in addition to the transportation charge".

**Amendment No. 10**

On page 2 of said bill, between lines 14 and 15 insert "or the Interstate Commerce Commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 892**—An act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

On page 11, lines 51 and 52, of the printed bill, as amended, strike out "regardless of the ownership or the purpose to which such property is devoted", and insert "whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise".

**Amendment No. 2**

On page 12, line 4, of said bill, strike out "whether such"; and strike out lines 5 and 6, and insert "and it is".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1930**—An act to amend Sections 7303, 7306 and 7226 of, and to add Section 7307.5 to, the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 43, of the printed bill, as amended, after "attendance", insert "in any secondary school other than a junior college".

**Amendment No. 2**

On page 2, line 44, of said bill, strike out "except in grades 13 and 14 of a junior college".

**Amendment No. 3**

On page 2, line 46, of said bill, after the period, insert "In grades 11 and 12 of any junior college no pupil shall be credited, for purposes of apportionment, with more than 15 hours of attendance in any calendar week."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1524**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1657, 1658, 1659, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1661.5, 1662.5, 1664, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Bill read third time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "1659".

**Amendment No. 2**

On page 3, line 32, of said bill, strike out "Unless hearing be waived in writing by"; also strike out line 33; and in line 34 strike out "persons, if any, entitled to notice, the", and insert "The".

**Amendment No. 3**

On page 3, lines 37 and 38, of said bill, strike out "Unless waived in writing, written", and insert "Written".

**Amendment No. 4**

On page 4 of said bill, strike out lines 9 to 24, inclusive.

**Amendment No. 5**

On page 4, line 25, of said bill, strike out "10", and insert "9".

**Amendment No. 6**

On page 4, line 28, of said bill, after "State", insert "or may deposit funds of the estate with any bank which has been designated by the Superintendent of Banks of this State as depository for the funds of other banks,".

**Amendment No. 7**

On page 4, line 38, of said bill, strike out "11", and insert "10".

**Amendment No. 8**

On page 4, line 47, of said bill, strike out "12", and insert "11".

**Amendment No. 9**

On page 5, line 22, of said bill, strike out "13", and insert "12".

**Amendment No. 10**

On page 5, line 31, of said bill, strike out "14", and insert "13".

**Amendment No. 11**

On page 5, line 47, of said bill, strike out "15", and insert "14".

**Amendment No. 12**

On page 5, line 48, of said bill, strike out "16", and insert "15".

**Amendment No. 13**

On page 6, line 13, of said bill, strike out "17", and insert "16".

**Amendment No. 14**

On page 6, line 20, of said bill, strike out "18", and insert "17".

**Amendment No. 15**

On page 6, line 27, of said bill, strike out "19", and insert "18".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Desmond moved that Assembly Bill No. 1822 be taken from the inactive file for the purpose of amendment, and placed on the second reading file.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1822**—An act to amend Section 2845 of the Elections Code, relating to county central committees.

Bill read second time.

**Motion to Amend**

Senator Desmond moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 10, of the printed bill, strike out "herein," and insert "so made".

**Amendment No. 2**

On page 1 of said bill, strike out lines 12 to 15, inclusive.

Amendments read and adopted.

Bill ordered printed, and to second reading.

**RESOLUTIONS**

The following resolution was offered:

By Senator Powers:

**Senate Resolution No. 139**

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, beginning Monday, June 11, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay them.

	<i>Per day</i>
Jack Quinn, Page_____	\$3 00
Warren Desimone, Page_____	3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—27.

**NOES**—None.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILLS  
NOS. 188, 190, AND 1182**

Senator Mayo moved that Assembly Bills Nos. 188, 190, and 1182 be withdrawn from Committee on Social Welfare and referred to Committee on Finance.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 116**—An act to amend Section 5405 of the Labor Code of the State of California, relating to workmen's compensation.

**Motion to Reconsider Assembly Bill No. 116**

Pursuant to his motion previously made, Senator Donnelly moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 116 was refused passage.

The roll was called, and Assembly Bill No. 116 refused consideration by the following vote:

**AYES**—Senators Carter, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Powers, Salsman, Seawell, Shelley, Slater, and Tenney—15.

**NOES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dilworth, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Sutton, Swing, Ward, and Weybret—19.

**SECOND READING OF SENATE BILLS**

**Senate Concurrent Resolution No. 63**—Relative to the creation of the Joint Interim Committee on Veterans Affairs.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 7, of the printed bill, strike out "three", and insert "four".

**Amendment No. 2**

On page 2, line 39, of the printed bill, strike out "ten thousand dollars (\$10,000)", and insert "seven thousand five hundred dollars (\$7,500)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 46, of the printed bill, strike out "three", and insert "four".

**Amendment No. 2**

On page 3 of the printed bill, strike out all of lines 12, 13 and 14.

**Amendment No. 3**

On page 3, line 15, of the printed bill, strike out "8.", and insert "7."

**Amendment No. 4**

On page 4, line 8, of the printed bill, strike out "9.", and insert "8."

**Amendment No. 5**

On page 4, line 12, of the printed bill, strike out "10.", and insert "9."

**Amendment No. 6**

On page 4, line 21, of the printed bill, strike out "11.", and insert "10."

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 364**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 848**—An act making an appropriation for the support of the Youth Authority, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1082**—An act making an appropriation for the encouragement of agricultural fairs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2180**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 601**—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Section 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 4, line 48, of the printed bill, as amended, after "county", and before the comma insert "or city".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.



**Assembly Bill No. 646**—An act to add Chapter 13.6 to, Article 3 to Chapter 14 of and Article 1.5 to Chapter 15 of, Division 3 of the Education Code, all relating to the support of the public school system, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 22, of the printed bill, as amended, strike out the second word "school".

**Amendment No. 2**

On page 2, line 25, of said bill, strike out the second word "school".

**Amendment No. 3**

On page 2, line 30, of said bill, after "attendance", insert "during the preceding month".

**Amendment No. 4**

On page 2, line 34, of said bill, strike out "the school", and insert "such preceding".

**Amendment No. 5**

On page 2, line 48, of said bill, after "shall", insert "on or before the last day of each month".

**Amendment No. 6**

On page 3, line 22, of said bill, strike out "school".

**Amendment No. 7**

On page 3, line 28, of said bill, strike out the second word "of", and insert "during the preceding month".

**Amendment No. 8**

On page 3, line 33, of said bill, strike out the first word "the", and insert "such preceding".

**Amendment No. 9**

On page 4, line 19, of said bill, strike out the second word "school".

**Amendment No. 10**

On page 4, line 27, of said bill, after "ance", insert "during the preceding month".

**Amendment No. 11**

On page 4, line 31, of said bill, strike out "the school month", and insert "such preceding month".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1190**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as an addition to The Langley Porter Clinic and in furtherance of the postwar building program.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1191**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a psychiatric hospital clinic in the City of Los Angeles and in furtherance of the postwar building program.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1811**—An act providing for the acceptance, receipt and disposition by the State Board of Education and making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 5, of the title of the printed bill, as amended, after "disposition", insert "of property".

**Amendment No. 2**

On page 1, line 12, of said bill, after "America", insert a comma.

**Amendment No. 3**

On page 1, line 13, of said bill, after "thereof", insert a comma.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Concurrent Resolution No. 47**—Relative to amending Rule 36 of the Joint Rules of the Senate and Assembly, relating to legislative investigating committees.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed resolution, strike out "amending Rule 36", and insert "adding Rule 36.5".

**Amendment No. 2**

On page 1, line 2, of the printed measure, strike out "36", and insert "36.5".

**Amendment No. 3**

On page 1, line 3, of the printed measure, strike out "amended", and insert "added".

**Amendment No. 4**

On page 1, line 5, of the printed measure, strike out the remainder of the resolution and insert

**"Transportation for Interim Committees**

36.5. The Department of Motor Vehicles, or any other department having the facilities, may upon request of any investigating committee, or the chairman thereof, provide transportation for the committee or for any of its members when on committee business, when normal transportation facilities are not available or for any reason are not adequate or satisfactory, and when in the opinion of the Director of the department such transportation facilities can be made available without serious

interference with the normal functions of the department. The department shall charge to the committee the actual cost of any such transportation as hereinabove provided."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

### RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

#### Senate Resolution No. 140

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant from the Contingent Fund of the Senate in the sum of one thousand two hundred ninety-four and 25/100 dollars (\$1,294.25) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same:

Bancroft Whitney (codes)-----	\$54 13
State Department of Finance-----	57 04
State Bureau of Purchases (supplies)-----	71 70
Western Union-----	157 29
Cascade Towel Supply-----	11 50
Frank McDougal (framing resolution)-----	9 00
Railway Express Agency-----	5 74
C. G. Putnam (illuminating 74 resolutions)-----	370 00
Postage for mailing department-----	300 00
Pacific Telephone and Telegraph Company-----	257 85
	<hr/>
	\$1,294 25

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McCormack, Parkman, Powers, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

### REPORTS OF STANDING COMMITTEES

#### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 163	Assembly Bill No. 1076
Assembly Bill No. 175	Assembly Bill No. 1452
Assembly Bill No. 777	Assembly Bill No. 1914
Assembly Bill No. 1075	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1531

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1015

Has had the same under consideration, and reports the same back without recommendation, and that it be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 600

Assembly Bill No. 1598

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 578

Assembly Bill No. 2089

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 839

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Concurrent Resolution No. 65

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 405

Assembly Bill No. 2068

Assembly Bill No. 2223

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.



## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Constitutional Amendment No. 21**—A resolution to propose to the people of the State of California an amendment to Section 22 of Article XX of the Constitution of said State, relating to intoxicating liquors.

Resolution read.

**Motion to Re-refer Senate Constitutional Amendment No. 21**

Senator Parkman moved that Senate Constitutional Amendment No. 21 be re-referred to Committee on Governmental Efficiency.

**Roll Call Demanded**

Senators Dillinger, Jespersen, and Carter demanded a roll call.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Brown, Crittenden, Desmond, Fletcher, Hatfield, Mayo, McCormack, Parkman, Quinn, Seawell, Swing, Tenney, and Weybret—13.

**NOES**—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Salsman, Slater, and Ward—21.

**Further Consideration of Senate Constitutional Amendment No. 21**

The roll was called, and the resolution refused adoption by the following vote:

**AYES**—Senators Biggar, Carter, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mixter, Powers, Rich, Salsman, and Ward—15.

**NOES**—Senators Brown, Collier, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—23.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Senate Constitutional Amendment No. 22**—Proposed amendment to Article IV of the Constitution adding Section 1b thereto, relative to the amendment or repeal of initiative measures adopted by the people.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—Senators Crittenden, Jespersen, and Rich—3.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1566**—An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 278**—An act to amend Sections 67 and 80 of the Unemployment Insurance Act, to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act and relating to the payment of benefits pending appeals.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Hulse, Judah, Keating, McCormack, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—22.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### **WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2140**

Senator Dorsey moved that Assembly Bill No. 2140 be withdrawn from Committee on Fish and Game and referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

Bill read third time.

#### **Motion to Set Special Order**

Senator DeLap moved that Assembly Bill No. 302 be made a special order of business for Wednesday, June 13, 1945, at 2.15 p.m.

Motion carried.

**Assembly Bill No. 802**—An act relating to aviation; defining terms, providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, Governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of Federal aid; authorizing joint action by municipalities and by municipalities and the State; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the State, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports.

Bill read third time, and presented by Senator Tenney.

The roll was called.

#### **Call of the Senate**

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time, 3.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.55 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 802 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Gordon, Jespersen, Keating, Kuchel, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Tenney, and Weybret—22.

NOES—Senators Dilworth, Donnelly, Hatfield, and Hulse—4.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 936**—An act to add Section 32a to the State Employees' Retirement Act, and Section 20336 to the Government Code, relating to a retirement system for public officers and employees, providing for the exclusion of aliens employed under authorization of Section 1944.1 of the Labor Code.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Quinn, Seawell, Shelley, Slater, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2075**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, DeLap, Desmond, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1996**—An act to amend Section 6504 of the Public Resources Code, relating to State lands.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 168**—An act to amend Section 13801 of the Revenue and Taxation Code, relating to inheritance tax exemption.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Hatfield, Hulse, Kuchel, McCormack, Parkman, Powers, Quinn, Salsman, Slater, Tenney, Ward, and Weybret—21.

NOES—Senators Dillinger, Dilworth, Jespersen, Judah, Keating, McBride, Rich, Seawell, and Swing—9.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1912**—An act to amend Section 4085½ of the Political Code, relating to public highways for fishing and hunting.

Bill read third time.

**Motion to Re-refer Assembly Bill No. 1912**

Senator Hatfield moved that Assembly Bill No. 1912 be re-referred to Committee on Agriculture.

Motion carried.

**Assembly Bill No. 1770**—An act to amend Sections 501 and 503 of, to add Sections 504 and 505 to, and to add Article 5, comprising Sections 891 and 892, to Chapter 4 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to the penal assessment of property.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2175**—An act to add Section 6382.1 to the Revenue and Taxation Code, relating to exemptions under the Sales and Use Tax Law.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, Rich, Salsman, Seawell, Slater, Tenney, and Weybret—26.

NOES—Senator Swing—1.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1160**—An act to amend Sections 4218 and 4220 of the Political Code and Section 327 of the Revenue and Taxation Code, relating to investigations, surveys, and maps.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1317**—An act to amend Sections 12263, 12403, 12405, 12433 and 12997 of the Revenue and Taxation Code, and to repeal Section 12404 thereof, all relating to insurance taxation.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1027**—An act to amend Sections 30c, 30h and 30j of the Bank Act, relating to the disposal of unclaimed contents of safe-deposit boxes and unclaimed items of personal property left with banks for safe keeping.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1315**—An act to add Sections 1070.5, 1071.5 and 1075 to the Insurance Code, and to amend Section 1072 of said code, relating to withdrawal of insurers.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2195

Senator Slater moved that Assembly Bill No. 2195 be withdrawn from Committee on Education, and referred to Committee on Finance.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Tenney moved that Assembly Bill No. 711 be taken from the inactive file and placed on the second reading file.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 685**

Senator McBride moved that Assembly Bill No. 685 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-referred to committee.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 685**—An act to repeal Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of the certificate of certified public accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

Bill read second time.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 14 to 19, inclusive, and insert "of seven members appointed by the Governor. The board has the".

**Amendment No. 2**

On page 2, line 27, of said bill, strike out "and", and insert a comma.

**Amendment No. 3**

On page 2, line 28, of said bill, after "State", insert a comma.

**Amendment No. 4**

On page 2 of said bill, strike out lines 29 to 36, inclusive, and insert "public accountant and who are in active practice as certified public accountants. Within 30 days after their".

**Amendment No. 5**

On page 2 of said bill, strike out lines 43, 44 and 45; and on page 3 strike out lines 1, 2 and 3, and insert "to be appointed shall hold office, one for one year, two for two years, two for three years, and two for four years, as designated by the Governor."

**Amendment No. 6**

On page 4 of said bill, strike out lines 1 and 2, and insert "5020. A".

**Amendment No. 7**

On page 4 of said bill, strike out lines 35 to 52, inclusive; and on page 5 strike out lines 1 to 46, inclusive, and insert

"5030. The board shall appoint administrative committees of not less than three nor more than five members who shall be public accountants, to perform any of the following duties, and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by public accountants.

(c) To pass upon the qualifications of any applicant for registration as a public accountant.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

5031. The members of administrative committees shall hold office for one year.

5032. Each administrative committee shall make recommendations and forward its report to the board for action on any matter on which it is authorized to act, except that the findings of the committee with respect to the qualifications of any applicant for registration as a public accountant shall be final.

5033. The board may establish an examining committee having the power:

(a) To examine all applicants for the certificate of certified public accountant.

(b) To recommend to the board applicants for the certificate of certified public accountant who fulfill the requirements of this chapter.

The examining committee shall follow the rules and regulations adopted by the board for the purpose of making effective the qualifications prescribed in Articles 6 and 7.

5034. The board may also appoint one or more referees to take evidence on behalf of the board in any proceeding initiated by the board and to forward the same to the board with its recommendation for action. The record of all hearings shall be made and preserved by the board and by the referees."

#### Amendment No. 8

On page 6 of said bill, strike out lines 13 to 16, inclusive, and insert

"5053. All money in the accountancy fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. No member of the".

#### Amendment No. 9

On page 6, line 17, of said bill, after "board", insert "or of any administrative committee".

#### Amendment No. 10

On page 7, line 25, of said bill, strike out "registered".

#### Amendment No. 11

On page 7, line 36, of said bill, after "chapter", insert ", or a corporation permitted under this section to continue its practice under its corporate form and arrangement".

#### Amendment No. 12

On page 7 of said bill, between lines 45 and 46, insert

"Registration under the provisions of this chapter shall not be made a qualification for employment by the State of California."

#### Amendment No. 13

On page 10, of said bill, strike out lines 1 to 16, inclusive, and insert

"(b) Persons serving in the armed forces of the United States or of any of the United Nations on the effective date of this chapter may register as public accountants under this chapter within a period of 12 months from the time such person is honorably discharged from such service, or is retired, or relieved from active duty, whichever occurs first.

(c) Any person who has been engaged for at least two years in governmental or private accounting or auditing or in the supervision of governmental or private accounting or".

#### Amendment No. 14

On page 10 of said bill, strike out line 20 and insert "accountant auditor, grade 1; or any person employed in governmental or private".

#### Amendment No. 15

On page 10, line 22, of said bill, strike out "junior accountant", and insert "accountant auditor, grade 1".

#### Amendment No. 16

On page 10 of said bill, strike out lines 30 and 31.

#### Amendment No. 17

On page 12, line 35, of said bill, after "hereof", insert ", provided, that the length of time that may be determined by the board shall not exceed four years".

#### Amendment No. 18

On page 12 of said bill, strike out lines 43 to 49, inclusive, and insert

"Provided further, that until December 31, 1952, the board shall waive the requirements of two years college study provided for in Section 5091 (e) (1) hereof, or graduation from a junior college provided for in Section 5091 (e) (2) hereof if the applicant has been in practice as a public accountant, or in the employ of a public accountant,

certified public accountant, or governmental agency for at least six years preceding the date of application.

The board shall waive the requirements of two years college study provided for in Section 5091 (c) (1) hereof or graduation from a junior college provided for in Section 5091 (c) (2) hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces."

**Amendment No. 19**

On page 14, line 3, of said bill, after the comma, insert "or Article 3,".

**Amendment No. 20**

On page 14, line 31, of said bill, after the comma, insert "or Article 3,".

**Amendment No. 21**

On page 15, line 26, of said bill, after the comma, insert "or any administrative committee,".

**Amendment No. 22**

On page 16 of said bill, strike out lines 4 to 8, inclusive, and insert "ity vote thereof."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1047**—An act to amend Sections 9000, 9030, 9031, 9034, 9126, 9130, 9136, 9201, 9221, and 9354 of, and to add Section 9264.5 to, the Public Resources Code, relating to soil conservation.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "9201", and insert "9164, 9200, 9201, 9203, 9205, 9206, 9216, 9218".

**Amendment No. 2**

Strike out line 3 of the title of said bill, and insert "and to repeal Section 9204 of, the Public Resources Code, and to repeal Section 10058 of the Elections Code, relating to soil conservation, including but not limited to soil conservation districts."

**Amendment No. 3**

On page 3 of said bill, strike out lines 18 to 31, inclusive, and insert

"SEC. 8. Section 9164 of the Public Resources Code is amended to read:

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the first Tuesday in [December] *March* of the next [even-numbered] *odd-numbered* year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in [December] *March* of the second [even-numbered] *odd-numbered* year after the year in which the meeting is held.

SEC. 9. Section 9200 of the Public Resources Code is amended to read:

9200. An election to be known as the General Soil Conservation District election shall be held in each district on the first Tuesday [after the first Monday in November] *in February* in each [even-numbered] *odd-numbered* year, at which a successor shall be chosen for each director whose term of office expires in [December] *March* next thereafter.

SEC. 10. Section 9201 of the Public Resources Code is amended to read:

9201. Not less than [10] *30* days prior to the election, any five or more electors in the district may file with the [directors] *board of supervisors of the county in which is situated all or the greatest portion of the land in the district* a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district.



SEC. 11. Section 9203 of the Public Resources Code is amended to read:

9203. The election shall be conducted by the board of supervisors and county clerk of the county in which is situated all or the greatest portion of the land in the district, the votes cast, and returns made to such board as nearly as practicable in conformity with the general election laws of this State, including but not limited to those relating to local elections, except that the precincts for the election shall not include any territory not in the district, and except that the register used may be that prepared for any other election, and except as otherwise provided.

SEC. 12. Section 9205 of the Public Resources Code is amended to read:

9205. The board of supervisors of the county in which is situated all or the greatest portion of the land in the district shall canvass the returns of the election. [The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used, and the returns of the election need not be canvassed by the directors of the district.]

SEC. 13. Section 9206 of the Public Resources Code is amended to read:

9206. [In the consolidated elections, the] Such board of supervisors shall provide for the appointment of precinct boards and the formation of precincts for such elections, and shall pay the expenses of the election. Such county clerk shall furnish each precinct board with a map showing the boundaries of the district.

SEC. 14. Section 9216 of the Public Resources Code is amended to read:

9216. The [secretary] county clerk of the county in which is situated all or the greatest portion of the land in the district as soon as the result is declared shall [enter in the records of] certify to the district for its records a statement of the result which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate.

SEC. 15. Section 9218 of the Public Resources Code is amended to read:

9218. [The secretary] Such county clerk shall immediately make out, sign, and deliver to each person elected a certificate of election."

#### Amendment No. 4

On page 3, line 32, of said bill, strike out "9", and insert "16".

#### Amendment No. 5

On page 3, line 35, of said bill, strike out "December", and insert "March".

#### Amendment No. 6

On page 3 of said bill, strike out lines 37 to 43, inclusive, and insert

"The term of office of all directors in districts in existence on the effective date of the amendment to this section in 1945 shall expire at noon on the first Tuesday in March in 1947. Directors elected at the February election in 1947 shall at their first meeting classify themselves by lot into two classes as nearly equal in number as possible. The terms of office of those in the class having the least number shall expire at noon on the first Tuesday in March in the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which the meeting is held."

#### Amendment No. 7

On page 3, line 44, of said bill, strike out "10", and insert "17".

#### Amendment No. 8

On page 4, line 3, of said bill, strike out "11", and insert "18".

#### Amendment No. 9

On page 4 of said bill, after line 10, insert

"SEC. 19. Section 9204 of the Public Resources Code and Section 10058 of the Elections Code are repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Sections 3.1 and 3.2 to Article IX of said Constitution, relating to county superintendents of schools.

Resolution read.

#### Motion to Amend

Senator Mayo moved the adoption of the following amendments:

#### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "Sections", and insert "Section".

**Amendment No. 2**

In line 4 of the title of said bill, strike out "and 3.2".

**Amendment No. 3**

On page 1, line 6, of said bill, strike out "as"; and strike out lines 7 to 17, inclusive; and strike out all of page 2 and insert "by adding Section 3.1 to Article IX thereof, to read:

Sec. 3.1. Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools and shall fix their salaries, and for these purposes shall classify the several counties in the State."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly refused adoption of the Second Conference Report and appointed Messrs. Clarke, King and Stephenson as a Third Committee on Conference concerning:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Brown, Parkman, and Mayo as a Senate Committee on Conference concerning Assembly Bill No. 1468 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 18  
Senate Bill No. 67  
Senate Bill No. 134  
Senate Bill No. 323  
Senate Bill No. 325  
Senate Bill No. 376  
Senate Bill No. 432  
Senate Bill No. 433  
Senate Bill No. 478  
Senate Bill No. 516

Senate Bill No. 517  
Senate Bill No. 633  
Senate Bill No. 654  
Senate Bill No. 655  
Senate Bill No. 751  
Senate Bill No. 875  
Senate Bill No. 1052  
Senate Bill No. 1171  
Senate Bill No. 1265  
Senate Bill No. 1266

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 12	Senate Bill No. 617
Senate Bill No. 46	Senate Bill No. 675
Senate Bill No. 151	Senate Bill No. 759
Senate Bill No. 291	Senate Bill No. 925
Senate Bill No. 300	Senate Bill No. 1032
Senate Bill No. 342	Senate Bill No. 1178
Senate Bill No. 382	Senate Bill No. 1238
Senate Bill No. 468	Senate Bill No. 1244
Senate Bill No. 520	Senate Bill No. 1274
Senate Bill No. 656	Senate Bill No. 1278

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 805

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 23  
Senate Concurrent Resolution No. 41  
Senate Joint Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 217**—An act to repeal Title 11 of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772, relating to children's courts of conciliation;  
And appointed Messrs. Sawallisch, Middough, and Stephenson as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Desmond, DeLap, and Dorsey as a Senate Committee on Conference concerning Assembly Bill No. 217 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly refused adoption of first conference report and appointed Messrs. Dills, Ralph C., Sheridan, and Geddes as a Second Committee on Conference concerning:

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Brown, and Powers as a Second Senate Committee on Conference concerning Senate Constitutional Amendment No. 13 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2136

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 985

Assembly Bill No. 1605

Assembly Bill No. 1606

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 412

Assembly Bill No. 1210

Assembly Bill No. 1002

Assembly Bill No. 1547

Assembly Bill No. 1146

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1382

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

SWING, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2120

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill, re-referred to Committee on Judiciary.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 35

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to second reading.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1779

Assembly Bill No. 1794

Assembly Bill No. 1787

Assembly Bill No. 2229

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Transportation

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 57

Assembly Bill No. 2092

Assembly Bill No. 1923

Assembly Bill No. 2219

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1142

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1472

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1310

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which were referred:

Assembly Bill No. 1049

Assembly Bill No. 231

Has had the same under consideration, and reports the same back with the recommendation: Do pass and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Assembly Bill No. 1951

Has had the same under consideration, and reports the same back with the recommendation: Do pass and re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill re-referred to Committee on Finance.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1391

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 65

And reports the same correctly engrossed.

SEAWELL, Chairman

**RESOLUTIONS**

The following resolutions were offered:

By Senator McBride:

**Senate Resolution No. 141**

Relative to the creation of an Interim Committee on Insurance Regulation

WHEREAS, The United States Supreme Court has declared that insurance is commerce and that when transacted across State lines it is interstate commerce; and

WHEREAS, This decision has raised serious questions as to the extent to which the State may regulate and tax insurance and the Congress of the United States has

enacted legislation partially exempting insurance from certain Federal statutes until January 1, 1948, and qualifiedly exempting insurance from such statutes to the extent that insurance is regulated by State law thereafter; and

WHEREAS, This State is vitally interested in the regulation of insurance for the purpose of protecting the insurance buying public and for the further reason that the State tax revenues from insurance are in excess of eleven million dollars (\$11,000,000) annually; now, therefore, be it

*Resolved by the Senate of the State of California,*

1. The Senate Interim Committee on Insurance Regulation, consisting of five members of the Senate, is hereby created. The members and the chairman shall be appointed by the Committee on Rules of the Senate. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is hereby authorized and directed to ascertain, study, and analyze all facts and legal problems relating to the regulation of insurance, the permissible area within which State regulation may function, the need or desirability of additional regulation or the revision of the existing laws regulating insurance, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the standing rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To cooperate with and secure the cooperation of all agencies, public and private, interested in the matters within the scope of this resolution.

(b) To contract with such agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports of the committee as will best assist it to carry out the purposes for which it is created.

(c) To meet at any and all places in this State, in public or executive session, and to take all necessary means to procure testimony and to compel the attendance of witnesses.

(d) To report its findings and recommendations to the Senate and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read. Referred to Committee on Rules.

By Senator Seawell:

**Senate Resolution No. 142**

Relative to the creation of a Senate Committee on Governmental Reorganization

WHEREAS, Numerous changes in the organization and administration of State Government are proposed at each session of the Legislature by reason of new circumstances constantly arising which were not contemplated by earlier statutes; and

WHEREAS, The complicated machinery of State Government erected to serve the citizens of this State can function only under law; and

WHEREAS, It is necessary that proposals of changes in governmental organization be studied carefully in order to provide for the most efficient, economical and equitable administration of the laws; and

WHEREAS, In order that the Legislature may act judiciously upon such proposals it is necessary that all facts with reference to Governmental organization and reorganization be studied and placed before it; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

(1) The Senate Committee on Governmental Reorganization is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the organization, functions and administration of State Government and of any department, agency or subdivision thereof, for the purpose of recommending changes and proposed legislation in order to promote efficiency, to reduce or eliminate costs, to provide for the consolidation of functions and removal of duplication, including but not limited to the operation, effect, administration, enforcement and needed

revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

(2) The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

(3) The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the 15th legislative day of the next regular session.

(4) The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

(5) The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(6) The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered.

**Senate Concurrent Resolution No. 68:** By Senator Powers—Relative to creating an Interim Committee on Remodeling the State Capitol.

Referred to Committee on Rules.

#### ADJOURNMENT

At 5.12 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Wednesday, June 13, 1945.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

NINETY-FOURTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, June 13, 1945

The Senate met at 9.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## REPORTS OF STANDING COMMITTEES

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 2143

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; noes 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 79

Assembly Bill No. 1086

Assembly Bill No. 969

Assembly Bill No. 1304

Assembly Bill No. 970

Assembly Bill No. 1495

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; noes 1.

FLETCHER, Chairman

Above reported bills re-referred to Committee on Finance.

CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1855**—An act to amend Section 583 of the Code of Civil Procedure, relating to dismissal of actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 6, of the printed bill, as amended, strike out "two-year", and insert "five-year".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2031**—An act to add Section 645.1 to the Probate Code, relating to the setting aside of certain estates.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out "attached", and insert "attacked".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 151**—An act to amend Section 714 of, and to add Sections 717.1 and 717.2 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "Sections 717.1 and 717.2", and insert "Section 717.1".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 24, 25, 26 and 27.

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 1 to 18.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 25, of the printed bill, after "must", insert "also".

**Amendment No. 2**

On page 2, line 25, of the printed bill, strike out "on the district attorney of".

**Amendment No. 3**

On page 2, line 26, of the printed bill, strike out "the county and".

**Amendment No. 4**

On page 2, line 28, of the printed bill, strike out "and no applica-"; and lines 29 and 30 and insert "provided that failure to serve such city attorney shall not deprive the court of jurisdiction to hear the application."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2225**—An act to amend and renumber Section 759 of the Political Code, as added by Chapter 414 of Statutes of 1907, relating to reporters for district courts of appeal.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 991**—An act to amend Section 1305 of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1775**—An act to amend Section 410 of the Code of Civil Procedure, relating to sufficiency of proof of service of lost summons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1880**—An act to amend Section 772 of the Probate Code, relating to executors' or administrators' sales of personal property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 283**—An act to add Section 43.5(a) to the Civil Code, relating to the liability of peace officers making arrests pursuant to warrants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2070**—An act to amend Sections 46, 47, 48 and 48a of the Civil Code and add a new section to the Civil Code, to be numbered 45a, relating to libel and slander.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1305**—An act to add Section 726.5 to the Political Code, relating to committees of the Judicial Council.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1911**—An act to add Section 583.5 to the Code of Civil Procedure, relating to dismissal of actions, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 625**—An act to amend Sections 8404 and 8503 of the Education Code; to repeal Section 8501 of said code; and to add Section 8505 to said code, all relating to admission to the public schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 735**—An act to amend Section 18102 of the Education Code and to repeal Section 18104 of said code, relating to the Public School System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 736**—An act to amend Sections 19153 and 19154, relating to elementary school district library funds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1008**—An act to amend Section 4712 of the Education Code, relating to the Public School System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2191**—An act to add Article 3 to Chapter 9 of Division 4 of the Education Code, relating to the education of minors in tuberculosis wards, hospitals or sanatoriums.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2216**—An act to amend Section 7435 of and to add a new section numbered 7439 to the Education Code, relating to school bonds, declaring the urgency of this act and providing that the same shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 741**—An act to add Article 4.5 to Chapter 7 of Division 9 to the Education Code, relating to the performance of services for school districts by county superintendents of schools.

Bill read second time, and ordered to third reading.

**Assembly Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX of said Constitution, relating to education.

Resolution read.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1 of the printed bill, as amended, beginning in line 14, strike out "and the Assembly".

##### Amendment No. 2

On page 2 of said bill, beginning in line 9, strike out "and the Assembly".

##### Amendment No. 3

On page 2, line 15, of said bill, strike out "and the Assembly".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Assembly Bill No. 163**—An act to amend Section 4041.5 of the Political Code, relating to the expenditure of tax money for making plans and arrangements for worlds' fairs and other fairs and expositions.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 175**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 777**—An act to amend Section 1 of "An act providing that revenues, rents and proceeds from lands within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund and making an appropriation," approved June 8, 1943, relating to disbursement of revenues, rents, and proceeds received by the Reclamation Board.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1075**—An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1076**—An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1452**—An act to repeal an act entitled "An act declaring all buildings and places nuisances, wherein or upon which any spirituous, vinous, malt or other alcoholic liquor is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such liquors, and providing for the abatement of such nuisances," approved April 28, 1915, relating to abatement of nuisances in the unlawful sale, gift or serving of intoxicating liquors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1914**—An act to amend Section 18850 of the Government Code, relating to compensation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1531**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 3, line 41, of the printed bill, as amended, after the comma, strike out "the".

**Amendment No. 2**

On page 4 of said bill, strike out lines 28 to 30, inclusive, and insert

"Sec. 6. "Bonds of the agency" means any bonds, notes, interim certificates, debentures or other obligations issued by an agency pursuant to Article 13 of this act."

**Amendment No. 3**

On page 6, line 20, of said bill, strike out "resolution," and insert "ordinance, adopted by a two-thirds vote,".

**Amendment No. 4**

On page 6, line 22, of said bill, strike out "resolution", and insert "ordinance".

**Amendment No. 5**

On page 6, line 24, of said bill, strike out "a resolution", and insert "an ordinance".

**Amendment No. 6**

On page 6, line 52, of said bill, after "majority", insert "in area".

**Amendment No. 7**

On page 7 of said bill, strike out lines 40 to 45, inclusive, and insert "tion in a newspaper in the same manner and to the same extent as provided for publication of notice in Section 21. Notice of such hearing may be consolidated with the notice required by Section 21 when the legislative body orders a joint hearing as provided therein."

**Amendment No. 8**

On page 7, line 51, of said bill, after "shall", insert a colon.

**Amendment No. 9**

On page 8, line 5, of said bill, after the period, insert "No such approval shall be effective unless two-thirds of the membership of the legislative body concur therein."

**Amendment No. 10**

On page 8, line 7, of said bill, strike out "resolution", and insert "ordinance adopted by a two-thirds vote".

**Amendment No. 11**

On page 8, line 9, of said bill, after "and", insert "thereafter".

**Amendment No. 12**

On page 8, line 10, of said bill, after "records", insert ", or certified copies thereof,".

**Amendment No. 13**

On page 8, line 13, of said bill, strike out "resolution", and insert "ordinance".

**Amendment No. 14**

On page 8 of said bill, strike out line 25, and insert "velopment agency and to the building department of the community a copy of any ordinance".

**Amendment No. 15**

On page 8, line 47, of said bill, after "resolution", insert "adopted by a two-thirds vote".

**Amendment No. 16**

On page 8, line 51, of said bill, after "contract", and before the comma, insert "by or on behalf of an agency".

**Amendment No. 17**

On page 9, line 1, of said bill, strike out "redevelopment".

**Amendment No. 18**

On page 9, line 48, of said bill, strike out "its jurisdiction", and insert "the community".

**Amendment No. 19**

On page 10, line 9, of said bill, before "purposes", insert "administrative".

**Amendment No. 20**

On page 10, line 10, of said bill, before "appropriate", insert ", by a two-thirds vote,".

**Amendment No. 21**

On page 10 of said bill, strike out lines 13 and 14 and insert "of the community a proposed budget of its administrative expenses. Such budget shall".

**Amendment No. 22**

On page 10, line 19, of said bill, after the period, insert "No such adoption is effective unless it is concurred in by two-thirds of the membership of the legislative body."

**Amendment No. 23**

On page 10 of said bill, strike out line 21 and insert "body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or".

**Amendment No. 24**

On page 10 of said bill, strike out lines 29, 30 and 31 and insert "there is no further need for such agency in the community. Thereupon the offices of the members of the agency shall be vacated and the capacity of the agency to transact business or exercise any powers shall be suspended and shall remain suspended until the legislative body thereafter adopts a resolution declaring the need for the agency to function."

**Amendment No. 25**

On page 10 of said bill, strike out lines 37 to 39, inclusive and insert "tial governmental functions, and, subject to the limitations imposed by this act, shall have the following powers in addi-".

**Amendment No. 26**

On page 10, line 51, of said bill, strike out "To", and insert "Within the redevelopment area or for purposes of redevelopment: to".

**Amendment No. 27**

On page 11, line 6, of said bill, strike out "encumber or", and insert "encumber (by mortgage, deed of trust or otherwise), or otherwise".

**Amendment No. 28**

On page 11 of said bill, strike out lines 40 and 41 and insert "ment agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan, or to acquire, without the consent of the owner, any real property on which buildings are located, where such buildings are to be continued in their present form and use under the redevelopment plan."

**Amendment No. 29**

On page 12, of said bill, strike out lines 11 and 12.

**Amendment No. 30**

On page 12, line 13, of said bill, strike out "(f)", and insert "(e)".

**Amendment No. 31**

On page 12, line 18, of said bill, strike out "(g)", and insert "(f)".

**Amendment No. 32**

On page 12 of said bill, strike out lines 21 to 31, inclusive.

**Amendment No. 33**

On page 12, line 45, of said bill, after "of", insert "such".

**Amendment No. 34**

On page 12, line 47, of said bill, after "of", insert "such".

**Amendment No. 35**

On page 12, line 48, of said bill, after "issue", insert "such".

**Amendment No. 36**

On page 12 of said bill, strike out line 52; and on page 13 of said bill, strike out lines 1 to 4 inclusive.

**Amendment No. 37**

On page 13, line 7, of said bill, after "body," insert "adopted by a two-thirds vote,".

**Amendment No. 38**

On page 13, line 12, of said bill, after "price", insert "or encumbered (whether by mortgage, deed of trust or otherwise) for an amount".

**Amendment No. 39**

On page 13, line 17, of said bill after the period, strike out the balance of the line; and strike out lines 18 to 20, inclusive, and insert "All moneys received by the agency from the sale, lease or encumbering of property acquired with moneys from the Redevelopment Revolving Fund shall be redeposited in the fund. All other provisions of this act that relate to financing shall be subject to the provisions of this section."

SEC. 45.8. The legislative body of any community may abolish the Redevelopment Revolving Fund whenever it shall find that the purposes for which such fund was established have been accomplished. At the time of abolishing such fund, the legislative body shall transfer all moneys therein to the General Obligation Bond Redemption Fund and shall provide that all moneys thereafter to be deposited or redeposited in the Redevelopment Revolving Fund shall be deposited in such General Obligation Bond Redemption Fund. Any surplus existing in such General Obligation Bond Redemption Fund after payment of principal and interest shall be transferred to the general fund of the community."

**Amendment No. 40**

On page 13 of said bill, strike out line 33 and insert "the redevelopment plan adopted by the legislative body for the area."

**Amendment No. 41**

On page 14 of said bill, strike out lines 14 to 17, inclusive, and insert "or sale by the agency of all real property acquired by it in any project area, except such property as may be conveyed by such agency to the community. Any such lease or sale shall be conditioned on the".

**Amendment No. 42**

On page 15, line 14, of said bill, after "feasible", insert a period; and strike out the remainder of said line and lines 15 to 17, inclusive.

**Amendment No. 43**

On page 15, line 31, of said bill, strike out "resolution", and insert "ordinance adopted by a two-thirds vote".

**Amendment No. 44**

On page 15, line 34, of said bill, after "shall", insert "by a two-thirds vote".

**Amendment No. 45**

On page 16 of said bill, strike out line 33 and insert "lative body shall be by ordinance adopted by a two-thirds vote. Such ordinance shall :".

**Amendment No. 46**

On page 16, line 44, of said bill, strike out "resolution", and insert "ordinance".

**Amendment No. 47**

On page 17 of said bill, strike out lines 38 to 48 inclusive.

**Amendment No. 48**

On page 18, line 12, of said bill, strike out "project", and insert "projects".

**Amendment No. 49**

On page 18, line 19, of said bill, strike out "a mortgage", and insert "by an encumbrance (whether by mortgage, deed of trust or otherwise)".

**Amendment No. 49.5**

On page 18, line 47, of said bill, strike out "relates", and insert "they relate".

**Amendment No. 50**

On page 19, line 41, of said bill, strike out "mortgage", and insert "encumber (by mortgage, deed of trust or otherwise)".

**Amendment No. 51**

On page 19, line 44, of said bill, strike out "mortgaging", and insert "encumbering".

**Amendment No. 52**

On page 22 of said bill, after line 13, insert  
"Sec. 84.5. All of the provisions of this article shall be subject to the limitations of Article 9.5 of this act."

**Amendment No. 53**

On page 22, line 23, of said bill, after "mortgage", insert ", deed of trust or other encumbrance".

**Amendment No. 54**

On page 22 of said bill, strike out line 36 and insert "Article 16. Contracts for Work".

**Amendment No. 55**

On page 23 of said bill, strike out line 16 and insert "the inspection of the agency awarding the contract.  
The said".

**Amendment No. 56**

On page 23 of said bill, strike out lines 44 and 45 and insert "one of the communities to act as the agency of all of the communities interested. In this event the agency designated shall cooperate with the".



**Amendment No. 57**

On page 24 of said bill, strike out lines 1 to 6, inclusive, and insert

"The legislative body of any community may by resolution consent to the inclusion of a part of the area under its jurisdiction in a contiguous project area to be developed by another community."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 578**—An act to amend Section 12500 of the Health and Safety Code, relating to fireworks.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out the period after "fireworks", and insert ", declaring this act to be an urgency measure, and providing that it shall take effect immediately."

**Amendment No. 2**

On page 3 of said bill, after line 10, insert the following

"SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1, Article IV, of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

"Since 1942 when the Commanding General of the Western Defense Command by proclamation prohibited the use of fireworks within the area of the Western Defense Command, there has been a very great reduction in the number of fires and injuries to persons on and around July 4th of each year. This record is directly attributable to the prohibition against fireworks. The proclamation of the Commanding General of the Western Defense Command, being no longer required as a matter of military necessity, has been rescinded. Unless this act shall take immediate effect the prohibition against the unregulated sale and use of firecrackers, salutes, and other explosive articles of similar nature which this act imposes in the interests of the public peace, health and safety, will not be effective on July 4, 1945, thereby continuing to permit the unregulated sale and use of such firecrackers with attendant fires and injuries to persons."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2089**—An act to amend Sections 15002, 15294, 15295, 17254, 17482, 17704, and 17811 of the Health and Safety Code, relating to housing.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "17254, 17482,".

**Amendment No. 2**

On page 3 of said bill, strike out lines 20 to 33, inclusive; and in line 34, strike out "SEC. 7.", and insert "SEC. 5."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 839**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 405**—An act to amend Section 4300e of the Political Code, relating to the fees of county recorders.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2068**—An act to add Chapter 27 to Part 3 of Division 7 of the Streets and Highways Code, relating to the construction of sidewalks and curbs, establishing a procedure therefor, and providing for the assessment and collection of the costs of the construction of such sidewalks and curbs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2223**—An act to amend Section 4017 of the Political Code, relating to consolidation of county offices.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2136**—An act to add Article 19 comprising Sections 700 to 704, inclusive, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to cooperative action between the State and the Federal Government, local governments, industry, labor and agriculture for the purpose of assuring continuing full employment in a free competitive economy.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 4, lines 23 and 24, of the printed bill, as amended, strike out "each house of the Legislature," and insert "the Assembly and the Rules Committee of the Senate,".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 412**—An act to amend Section 18901 of the Government Code, relating to eligible lists.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 2, line 30, of the printed bill, as amended, strike out "may", and insert "and".

##### Amendment No. 2

On page 2, line 32, of the printed bill, as amended, strike out "shall", and insert "will".

##### Amendment No. 3

On page 2, line 33, of the printed bill, as amended, strike out "two", and insert "one".

**Amendment No. 4**

On page 2, line 33, of the printed bill, as amended, strike out the "comma", before "but", and the "comma", after the word "four".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1002**—An act to amend Sections 11383, 11384, and 11410 of and to add Sections 11412, 11413, 11414, and 11415 to the Government Code, relating to the making, filing, compilation, codification, printing, and publication of the rules and regulations of State officers, boards, authorities, agencies, and commissions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 3, line 30, of the printed bill, as amended, after "Codification", insert "Board".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1146**—An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, as amended, between lines 12 and 13, insert

"(c) The board determines that his separation is of an extended and uncertain duration and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis."

**Amendment No. 2**

On page 1 of said bill, strike out lines 13 to 19, inclusive; and on page 2 strike out lines 1 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1210**—An act to add Article 4 comprising Sections 16470 to 16476, inclusive, to Chapter 3 of Part 2 of Division 4 of the Government Code, relating to investment of surplus State funds, declaring the urgency of this act, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In the title of the printed bill, as amended, between lines 3 and 4, insert "creating the Surplus Money Investment Fund, making an appropriation, and".

**Amendment No. 2**

On page 1, line 15, of the printed bill, as amended, following the period, insert "This article does not apply to the State Highway Fund."

**Amendment No. 3**

On page 2, line 14, of said bill, after "Code", insert "or Section 16304 of the Government Code".

**Amendment No. 4**

On page 2, line 43, of said bill, strike out "or", and insert "and".

**Amendment No. 5**

On page 3 of said bill, strike out lines 41 and 42, and insert "tipling each amount transferred from any fund to the Surplus Money Investment".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1547**—An act to amend Sections 1, 2, 5, 6, 6.5, 6.6, 16, 18, 19, 22a, 22b, 23, 23c, 23d, 26, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 60, 67.1, 67.5 of the Alcoholic Beverage Control Act, and to add thereto Section 38g, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 14, line 12, of the printed bill, after the comma following "place", insert "other than club cars,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1382**—An act to add Section 352.5 to the Political Code, relating to traveling expenses.

Bill read second time, and ordered to third reading.

**Assembly Constitutional Amendment No. 35**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 22 of Article V thereof, relating to the compensation of State officers.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 15, of the printed measure, after the period insert "Except by an act passed at the Fifty-seventh Regular Session of the Legislature, the compensation of no State officer named herein shall be increased nor diminished during his term of office."

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 1779**—An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, relating to police courts in cities of the second class.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government: .

**Amendment No. 1**

On page 2, line 5, of the printed bill, as amended, after the period, insert "No such clerk, deputy clerk or assistant clerk of the police or justice's court in a city of the second class shall practice law in or out of court during his continuance in office."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1787**—An act to amend Sections 103g and 103h of, and to add Section 103l to the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "are two justices"; strike out line 4; and on line 5, strike out "first day of January, 1947, there".

**Amendment No. 2**

On page 1, line 21, of the printed bill, strike out "ten thousand dollars (\$10,000) per annum", and insert "the same annual salary as that now or hereafter prescribed by law for a municipal judge in a city of the first class."

**Amendment No. 3**

On page 2, line 12, of said bill, strike out "a majority of".

**Amendment No. 4**

On page 2 of said bill, after line 16, insert  
"SEC. 4. The board of supervisors of the county in which a city of the second class is situated shall, within 10 days after the effective date of this act, make appointments in the manner provided by law to fill the vacancies created by this act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1794**—An act to add Section 4.7 to The Planning Act and Section 18.5 to the State Conservation and Planning Act, relating to regional, county, and city planning commissions and the governing bodies of school districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1 of the printed bill, strike out line 3, and insert  
"SEC. 4.7. The county and city planning commis-".

**Amendment No. 2**

On page 1 of said bill, strike out lines 9 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2229**—An act to amend Section 4 of the Planning Act, relating to the powers and duties of the Planning Commission, including street naming and house-numbering.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2, line 11, of the printed bill, after "streets", strike out "and", and insert a semi-colon.

**Amendment No. 2**

On page 2, line 12, of said bill, strike out "and the delineation on the land thereof", and insert "thereof, building line setbacks".

**Amendment No. 3**

On page 2, lines 14 and 15, of said bill, strike out "in the existing system thereof".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 57**—An act to repeal Section 469 and to amend Section 362 of the Streets and Highways Code, relating to highways.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1923**—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2092**—An act to add Section 3.5 to the California Airport District Act, relating to the organization of airport districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2219**—An act to amend Section 1 of an act entitled, "An act granting to the City of Venice the tidelands and submerged lands of the State of California within the boundaries of the said city," approved April 10, 1917, relative to grant of tide and submerged lands to the City of Venice.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1472**—An act to amend Sections 265, 268, and 272 of the Vehicle Code, relating to the issuance of chauffeurs' licenses.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2 of the printed bill, between lines 46 and 47 insert "The department may issue: (1) A general chauffeur's license; (2) A restricted chauffeur's license."

**Amendment No. 2**

On page 2, line 47, of the printed bill, after "upon issuing a", insert "restricted".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1310**—An act to amend Sections 5460, 5461, 5463, 5464, 6462 and 6486 of the Health and Safety Code, and relating to sanitation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "5461, 5463, 5464," and insert "5463."

**Amendment No. 2**

In line 2 of the title of said bill, before "of", insert "and to repeal Sections 5461 and 5464".

**Amendment No. 3**

On page 1, line 11, of said bill, strike out "amended to read:", and insert "hereby repealed."

**Amendment No. 4**

On page 1 of said bill, strike out lines 12 to 16, inclusive.

**Amendment No. 5**

On page 2, line 1, of said bill, strike out "amended to read:", and insert "hereby repealed."

**Amendment No. 6**

On page 2 of said bill, strike out lines 2 and 3.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1391**—An act to amend Sections 21, 51, 53, 56, 57, 60, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 554, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1460, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332, of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5, to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "60", insert "72,".

#### Amendment No. 2

In the title of the printed bill, between lines 15 and 16, insert "to add Section 11881 to the Insurance Code";.

#### Amendment No. 3

In line 26 of the title of the printed bill, as amended, strike out the period and insert ", and making an appropriation therefore."

#### Amendment No. 4

On page 2, line 9, of the printed bill, as amended, after "by", insert "the Governor with the advice and consent of the Senate".

#### Amendment No. 5

On page 4, line 28, of said bill, following "Governor", insert "with the advice and consent of the Senate".

#### Amendment No. 6

On page 3 of said bill, between lines 28 and 29, insert

"SEC. 9.5. Section 72 of the Labor Code is amended to read:

72. One of the members of the Industrial Welfare Commission may be appointed Chief of the Division of Industrial Welfare Commission. The members of the commission [shall receive no compensation for their services as members but], *other than the member who is appointed Chief of the Division of Industrial Welfare, shall receive twenty dollars (\$20) for each day's actual attendance at meetings of the commission and shall receive their actual and necessary expenses incurred in the performance of their duties.*"

#### Amendment No. 7

On page 14, line 17, of said bill, strike out "Insurance Commissioner", and insert "Director of Industrial Relations."

#### Amendment No. 8

On page 14 of said bill, in lines 20 and 21, strike out "commissioner", and insert "director".

#### Amendment No. 9

On page 28, line 38, of said bill, after "directors", and before the comma, insert "or any member thereof".

#### Amendment No. 10

On page 29, line 2, of said bill, after the period insert

"The principal office for the transaction of the business of the State Compensation Insurance Fund is located in the city and county of San Francisco."

#### Amendment No. 11

On page 29 of said bill, strike out lines 11 to 17 inclusive and insert

"11783. The State Compensation Insurance Fund may: (a) Sue and be sued in all actions arising out of any act or omission in connection with its business or affairs. (b) Enter into any contracts or obligations relating to the State Compensation Insurance Fund which are authorized or permitted by law."

#### Amendment No. 12

On page 29, line 49, of said bill, strike out the period and insert "and fix his salary."

#### Amendment No. 13

On page 31, line 25, of the printed bill, as amended, strike out "such reports and".

#### Amendment No. 14

On page 31, line 26, of said bill, as amended, strike out "statements", and insert "the books and records of the State Compensation Insurance Fund".

#### Amendment No. 15

On page 31, line 26, of said bill, as amended, after "abstract", insert "summary".



**Amendment No. 16**

On page 31 of said bill, between lines 30 and 31, insert

"SECTION 160.1. Section 11881 is added to the Insurance Code, to read:

11881. Whenever in Chapter 4, Part 3, Division 2 of the Insurance Code the term "State Industrial Accident Commission" or "Industrial Accident Commission" or "Commission" or "Director" similar designation occurs, it means the Board of Directors of the State Compensation Insurance Fund except when such meaning is inconsistent with the intent and context of said chapter."

**Amendment No. 17**

On page 31 of said bill, after line 40, insert

"SEC. 163. The sum of one hundred ten thousand dollars (\$110,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated to the Department of Industrial Relations for the support of the department and the several divisions thereof in augmentation of any appropriations heretofore made by law for that purpose. The appropriation made by this section shall be made available with the approval of the Department of Finance to provide for the additional costs of administration of the Department of Industrial Relations by reason of the provisions of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1822**—An act to amend Section 2845 of the Elections Code, relating to county central committees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 711**—An act to add Section 5014.2 to the Public Resources Code, relating to the designation of the areas to which funds may be allocated.

Bill read second time, and ordered to third reading.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Tenney moved that the report of the Joint Fact-Finding Committee on Un-American Activities in California be printed in the Journal of Thursday, June 14, 1945, and that 5,000 additional copies be printed.

Motion carried.

**MOTION TO RESET SPECIAL ORDER**

Senator Tenney moved that Assembly Bill No. 280 be made a special order of business for Wednesday, June 13, 1945, at 10.30 a.m.

Motion carried.

**MOTION TO RESET SPECIAL ORDER**

Senator Hatfield moved that Assembly Bill No. 302 be made a special order of business for Wednesday, June 13, 1945, at 10.45 a.m.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 301**—An act relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 301?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "acceptance of delivery of farm products", and insert "the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. As used in this act:

"Farm products" means fruits, nuts, vegetables and berries.

"Produce dealer" includes "commission merchant" and "dealer" as defined in Section 1261 of the Agricultural Code, but does not include a "broker" as defined in said section nor a "processor" as defined in Section 1299.18 of said code.

"City" includes city and county.

"Director" means the Director of Industrial Relations of the State of California.

"Market" means the places of business, collectively, of produce dealers operating in a city or the vicinity thereof and dealing in farm products intended, in whole or in part, for ultimate sale for consumption in a fresh state within the city and the vicinity thereof, but this act shall apply only to markets in which five or more produce dealers operate.

"Commissioner" means the agricultural commissioner of the county in which a market is situated.

"Registered unloader" means a person who unloads farm products in a market, but does not include a producer of farm products, or his son, father, or regularly employed employee, nor does it include the operator of any vehicle engaged in transporting farm products to market when the operation of such vehicle is subject to the jurisdiction of the Railroad Commission of the State of California and when the rate charged for such transportation includes the charge for unloading the farm products so transported.

"Association" means an association of produce dealers organized to carry out the responsibilities of produce dealers imposed by this act.

"Union" means the labor union which has been recognized by the National Labor Relations Board, or other governmental agency having jurisdiction, as the bargaining agency for employees employed in a market.

SEC. 2. On and after 30 days after this act takes effect, each produce dealer operating within a market is responsible for the establishment of a scale of charges for unloading farm products transported to his place of business and for the posting and maintaining of a legible copy of such scale in a conspicuous place at his place of business where it is readily visible at all times during which farm produce is delivered to such place of business.

SEC. 3. The scale of charges shall be established as follows:

(a) If the produce dealers in a market, or a majority of such produce dealers, either individually or through group representation, have an agreement with a union the scale of charges shall be that prescribed in such agreement and approved as provided in this act. If an agreement covering any employees of produce dealers in a market does not cover persons unloading farm products the agreement shall be modified to cover such persons.

(b) If there is no such union, the scale of charges shall be fixed by the produce dealers operating within the market.

In either event, the scale of charges shall be subject to the approval of the director.

SEC. 4. Upon the determination of a scale of charges for a market, the scale of charges shall be transmitted to the director. The director shall examine such scale and shall compare it with any available information relative to the charges for similar work performed under similar conditions in the city in or for which the market is operated. The director may take into consideration any and all factors relevant to the determination of the reasonableness of such charges, including any rates of the Railroad Commission for the performance of work of a similar nature.

SEC. 5. If the director determines that the scale of charges is not unreasonable he shall approve the scale and thereafter the scale of charges shall be the standard charge for unloading farm products in the market.

SEC. 6. If the director finds that the scale of charges is unreasonable he shall fix a time and place for a hearing on the matter. Notice of such hearing shall be mailed to each producer dealer operating in the market and to the officials of the union if a union is involved. The director may also notify any or all producers of farm products delivered to the market. At the hearing the director shall consider any relevant matters that may be presented and at or after the conclusion of such hearing he shall so adjust the scale or any item thereof so that the scale is not unreasonably higher than the prevailing rate for similar work performed under similar conditions in the city or its vicinity. The scale of charges so established shall be the standard charge for unloading farm products in the market. Any scale of charges established pursuant to this act may be modified from time to time in accordance with the method and procedure prescribed for establishing such scale. No person shall charge or receive any payment for unloading farm products in excess of the standard charge established for the market.

SEC. 7. Every person who unloads farm products in a market and who is within the definition of a "registered unloader" as defined in this act shall register his name and address and union affiliation, if any, with the commissioner. The commissioner shall supply each registered unloader with a card of registration. Each registered unloader shall carry such card at all times while employed or seeking employment in unloading farm products in a market. No person within the definition "registered unloader" shall unload any farm products in a market unless registered as provided in this act.

SEC. 8. Every producer who transports farm products to a market may register himself, his father, and any or all of his sons, and regular full-time employees with the commissioner. Such registration shall show the name of the producer, the registration number and other means of identification of his own personally owned vehicles, and the relationship of the registrant to the producer. Nothing in this act prohibits a person so registered from unloading his own farm products from a vehicle as to which he is so registered, and no such person shall be required to employ any other person to unload or assist in unloading such farm products. The commissioner shall supply each such registrant with an appropriate card, which the registrant must carry at all times while engaged in unloading farm products at a market.

SEC. 9. Every produce dealer operating in a market has the responsibility of providing that registered unloaders sufficient in number to do the work required shall be available at all times when farm products are being delivered to his place of business. He shall also be responsible for having on hand at his place of business at all such times a responsible person to receipt for farm products unloaded at his place of business.

SEC. 10. In order to facilitate the carrying out of their responsibilities under this act the produce dealers operating in a market may organize an association. No produce dealer shall be required to become or be a member of such association, but any such association shall admit to membership any produce dealer operating in the market and when so admitted no produce dealer shall be subject to any assessment or payment other than those necessary to carry out his responsibilities under this act.

SEC. 11. An association may maintain a dispatching service from which registered unloaders may be sent to the places where their services are required. An association may act as the bargaining agent to establish with a union the scale of charges for unloading farm products in the market in accordance with this act. An association may provide for watchman service to protect and receipt for farm products delivered to a market at times when the market is not otherwise in operation.

SEC. 12. The costs of services of an association to its members for carrying out any of the activities provided for or required by this act shall be subject to review by the director. No cost or expenditure for any other purpose shall be payable by any produce dealer except on an entirely voluntary basis. The director shall from time to time on his own motion or at the request of a produce dealer review the activities of the association to determine if any charge is made against any produce dealer in violation of this act.

SEC. 13. The violation of any provision of this act by any person is a misdemeanor. The violation of any provision of this act by a produce dealer is grounds for the revocation of his license and the violation of any provision of this act by an association is grounds for the revocation of the license of each produce dealer participating in such violation.

SEC. 14. None of the provisions of this act shall apply to any produce dealer at whose place of business all farm products delivered are unloaded without charge by employees of the produce dealer either with or without the assistance of the operator of the vehicle transporting such products or other persons accompanying the operator on such vehicle.

SEC. 15. It is hereby declared that the purpose of this act is to promote the orderly marketing of farm products and the establishment of reasonable charges for unloading such products at markets in this State. It is further declared that in some of the markets of this State the charges for unloading farm products have been found to be exorbitant and unreasonable and that this act is enacted to remedy such evils and in the interests of the public welfare.

SEC. 16. If any provision of this act, or the application thereof to any person or or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

#### Amendment No. 3

On page 3, line 15, of the printed bill, as amended, strike out "producer", and insert "produce".

#### Amendment No. 4

On page 2, line 20, of the printed bill, as amended, strike out "produce is", and insert "products are".

#### Amendment No. 5

On page 2, line 28, of said bill, after "modified", insert ", or a new agreement made".



**Amendment No. 6**

On page 3, line 17, of said bill, after "his name", insert ", Federal social security number,".

**Amendment No. 7**

On page 3, line 32, of said bill, strike out "his own".

**Amendment No. 8**

On page 3, line 35, of said bill, after "products", insert "nor to pay for any services not requested to be performed".

**Amendment No. 9**

On page 4, line 33, of said bill, after the period, insert "Nothing in this act shall prohibit any employee of a produce dealer from assisting in unloading farm products without charge when registered unloaders are not available."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 301 by the following vote:

AYES—None.

NOES—Senators Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Sutton, Swing, Tenney, and Weybret—25.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Hatfield, Crittenden, and Hulse as a Senate Committee on Conference concerning Senate Bill No. 301 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 392**—An act to amend Section 28 of the Agricultural Code, relating to funds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 392?

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, immediately preceding the semicolon, insert "or may be charged a share computed to reasonably compensate for the administrative services rendered by the department".

**Amendment No. 2**

On page 1, line 10, of the printed bill, as amended, immediately preceding "share", insert "or computed".

**Amendment No. 3**

On page 1 of the printed bill, as amended, strike out lines 13 to 16, inclusive, and insert

"All moneys charged and received by the department for such proportionate or computed share as reimbursement for administrative expense shall be remitted to the State Treasury for credit to the current appropriation from the General Fund of the State for the support of the department, and said sum so remitted shall be available for expenditure for the support of said department."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 392 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Sutton, Tenney, and Weybret—26.

NOES—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Senate Bill No. 486**—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 486?

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 41 to 45, inclusive.

**Amendment No. 2**

On page 2, line 46, of said bill, strike out "12032", and insert "12031".

**Amendment No. 3**

On page 2 of said bill, strike out lines 50 and 51.

**Amendment No. 4**

On page 3 of said bill, strike out lines 3 to 6, inclusive, and insert

**"Article 3.5. Issuance of Credentials"**

12041. The State Board of Education shall grant the appropriate credential to holders of diplomas granted by State colleges to applicants who have completed a teacher training course prescribed by the State Board of Education upon presentation of the diploma.

12042. The Commission of Credentials shall examine applications for credentials and life diplomas, and when it is satisfied that any candidate fully meets the standard set by the State Board of Education it shall issue the proper credentials and life diplomas.

12043. Each certification document issued by the Commission of Credentials in accordance with provisions of law and State Board of Education regulations shall be valid for the purpose and for the period for which it is issued.

12044. Any applicant for a credential or life diploma who is dissatisfied with the action taken by the Commission of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application.

12045. Where a hearing is held under this article the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein."

**Amendment No. 5**

On page 3 of said bill, beginning in line 16, strike out "by the State Board of Education".

**Amendment No. 6**

On page 3, line 18, of said bill, strike out "secretary of the board", and insert "State Board of Education".

**Amendment No. 7**

On page 3, line 28, of said bill, strike out "existence", and insert "existence".

**Amendment No. 8**

On page 4 of said bill, beginning in line 35, strike out "other disabling disease or disabling defect", and insert "any physical or mental condition unfitting the applicant to instruct or associate with children".

**Amendment No. 9**

On page 4, line 41, of said bill, strike out "Minimum General".

**Amendment No. 10**

On page 4, line 41, of said bill, after "for", insert ", and Authorization of,".

**Amendment No. 11**

On page 5 of said bill, between lines 10 and 11, insert

"This credential shall authorize service as a teacher in a junior college."

**Amendment No. 12**

On page 5 of said bill, between lines 18 and 19, insert

"This credential shall authorize service as a teacher in any secondary school and in grades seven and eight of any elementary school."

**Amendment No. 13**

On page 5 of said bill, between lines 23 and 24, insert

"This credential shall authorize service as a teacher in grades seven, eight and nine of any elementary or secondary school."

**Amendment No. 14**

On page 5 of said bill, between lines 41 and 42, insert

"This credential shall authorize service as a teacher in any elementary school, in grades seven and eight of any junior high school and as principal of any junior high school."

**Amendment No. 15**

On page 5 of said bill, between lines 46 and 47, insert

"This credential shall authorize service as a teacher in any kindergarten and in grades one, two and three of any elementary school."

**Amendment No. 16**

On page 6 of said bill, between lines 2 and 3, insert

"This credential shall authorize service as a teacher in the subject or subjects named therein in any elementary or secondary school."

**Amendment No. 17**

On page 6 of said bill, between lines 8 and 9, insert

"This credential shall authorize service as a supervisor of instruction in the subject field and grade level named therein."

**Amendment No. 18**

On page 6 of said bill, between lines 17 and 18, insert

"This credential shall authorize service in the capacities named in the credential."

**Amendment No. 19**

On page 6 of said bill, between lines 22 and 23, insert

"This credential shall authorize service as a librarian in any elementary or secondary school."

**Amendment No. 20**

On page 6 of said bill, between lines 27 and 28, insert

"This credential shall authorize service as an attendance officer in any school district or under any county superintendent of schools."

**Amendment No. 21**

On page 6, line 29, of said bill, after "as", insert "a supervisor of health in the capacity of".

**Amendment No. 22**

On page 6, line 30, of said bill, after "optometrist," insert "school otologist, school audiometrist,".

**Amendment No. 23**

On page 6 of said bill, between lines 34 and 35, insert

"This credential shall authorize service as a supervisor of health in the capacity shown therein."

**Amendment No. 24**

On page 6 of said bill, between lines 37 and 38, insert

"This credential shall authorize service in the capacity shown therein and in the schools and subject fields shown therein."

**Amendment No. 25**

On page 6 of said bill, between lines 43 and 44, insert

"This credential shall authorize service as a teacher in any class for adults in the subjects named therein."

**Amendment No. 26**

On page 6 of said bill, between lines 46 and 47, insert

"This credential shall authorize service as a teacher of basic military drill in high school and junior college cadet companies established under Chapter 1 of Part 2 of Division 2 of the Military and Veterans Code. The credential shall be issued only to those who shall qualify as to character in the same manner as required for holders of secondary teaching credentials.

Service under such credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district."

**Amendment No. 27**

On page 6, line 48, of said bill, after "Education", insert "pursuant to Section 13009.

This credential shall authorize service as an exchange teacher."

**Amendment No. 28**

On page 7, line 43, of said bill, strike out "Department", and insert "Board".

**Amendment No. 29**

On page 8, line 29, of said bill, after "credential", insert "or certificate".

**Amendment No. 30**

On page 8, line 30, of said bill, after "credential", insert "or certificate".

**Amendment No. 31**

On page 8, line 36, of said bill, after the comma, insert "or in the service of the United States Merchant Marine,".

**Amendment No. 32**

On page 8, line 39, of said bill, after "credential", insert "or certificate".

**Amendment No. 33**

On page 8, line 43, of said bill, after "credential", insert "or certificate".

**Amendment No. 34**

On page 8, line 44, of said bill, after "credential", insert "or certificate"; and in line 46, after "credentials", insert "or certificates, as the case may be".

**Amendment No. 35**

On page 3 of the printed bill, as amended, beginning in line 43, strike out "during the existence of an emergency shortage of teachers".

**Amendment No. 36**

On page 3, line 48, of said bill, after "tion", insert "during any National emergency declared by the President of the United States of America and for three years thereafter".

**Amendment No. 37**

On page 3, line 50, of said bill, after the second "the", insert "third school year following the close of the".

**Amendment No. 38**

On page 3 of said bill, strike out lines 51 and 52.

**Amendment No. 39**

On page 4 of said bill, strike out line 1, and insert "President of the United States of America declares such National emergency has ceased to".

**Amendment No. 40**

On page 4 of said bill, strike out line 51, and insert "other disabling disease or defect unfitting".

**Amendment No. 41**

On page 6, line 37, of said bill, strike out "subject field and".

**Amendment No. 42**

On page 6, line 43, of said bill, strike out "subject field and".

**Amendment No. 43**

On page 6, line 34, of the printed bill, as amended, strike out "subject field and".

**Amendment No. 44**

On page 7, line 17, of said bill, after "dentist", insert ", school chiropodist".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 486 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulke, Jaspersen, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Sutton, Tenney, and Weybret—25.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 504**—An act to amend Sections 192 and 193 of the Penal Code, relating to manslaughter and the punishment thereof.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 504?

**Amendment No. 1**

On page 1 of the printed bill, as amended, after line 19, insert

"This section shall not be construed as making any homicide in the driving of a vehicle punishable which is not a proximate result of the commission of an unlawful act, not amounting to felony, or of the commission of a lawful act which might produce death, in an unlawful manner."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 504 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Seawell, Shelley, Sutton, and Tenney—22.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 518**—An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 518?

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "Section 8766.5", and insert "Sections 8766.5 and 8770.2".

**Amendment No. 2**

On page 1 of said bill, after line 29, insert

"SEC. 4. Section 8770.2 is added to the Business and Professions Code, to read as follows:

8770.2. No survey which is made in the practice of land surveying as defined and regulated by this chapter and involves or affects any land which is under the jurisdiction of the State Lands Commission shall be admissible in evidence in any controversy relating to any such land, unless a copy of the record of survey and the field notes of the survey have theretofore been submitted to and approved by the State Lands Commission."

**Amendment No. 3**

In line 2 of the title of the printed bill, as amended in the Assembly on May 18, 1945, strike out "Sections 8766.5 and 8770.2", and insert "Section 8766.5".

**Amendment No. 4**

On page 2 of said bill, strike out lines 5 to 13, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 518 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Sutton, Swing, and Tenney—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 822**—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 822?

**Amendment No. 1**

On page 2, line 7, of the printed bill, as amended, strike out "property".



**Amendment No. 2**

On page 2 of said bill, strike out lines 16 to 25, inclusive, and insert "property for hire or compensation. Any such farmer shall keep available an account of each time he has transported such farm products and the compensation received therefor. The account of".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 822 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Sutton, Tenney, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 837**—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the meetings of county tax collectors and redemption officers or authorized representatives thereof with the Controller.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 837?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 13, 14, and 15, and insert "county officer or his authorized representative incurred while traveling to and from and while attending such meeting, shall be a charge against the county, to be paid in the same manner as other county charges are paid."

**Amendment No. 2**

On page 2 of said bill, strike out lines 5, 6, and 7, and insert "county officer or his authorized representative incurred while traveling to and from and while attending such meeting, shall be a charge against the county, to be paid in the same manner as other county charges are paid."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 837 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Sutton, Tenney, and Ward—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 899**—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 899?

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, after "department", insert "or county fire warden department".

**Amendment No. 2**

On page 2, line 6, of said bill, after "department", insert "or county fire warden department".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 899 by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Seawell, Sutton, Tenney, and Ward—24.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 12**—An act to add Section 6366 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 12?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "6365", and insert "6366".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "6365", and insert "6366".

##### Amendment No. 3

On page 1, line 3, of said bill, strike out "6365", and insert "6366".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 12 by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Sutton, Tenney, and Ward—25.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 151**—An act to amend Sections 4266 and 4283 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class and forty-seventh class, respectively.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 151?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 4266", and insert "Sections 4266 and 4283".

##### Amendment No. 2

In line 3 of the title of said bill, after "class", insert "and forty-seventh class, respectively".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 3

On page 2 of said bill, after line 7, insert

"SEC. 2. Section 4283 of said code is amended to read:

4283. In counties of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The [recorder and] auditor, two thousand five hundred twenty dollars (\$2,520) per annum and in addition thereto two hundred dollars (\$200) annually for preparing the county budget when prepared by him. *During the time and in the event that the office of recorder is consolidated with the office of auditor the auditor, as such, shall receive no compensation.*

2. The district attorney, two thousand two hundred *twenty* dollars [(\$2,200)] (\$2,220) per annum and such fees as are now or may hereafter be paid to that officer.

3. Each supervisor, eighty-five dollars (\$85) per month and an allowance at seven cents (\$0.07) per mile not to exceed three hundred dollars (\$300) per year for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside county to be allowed and paid.]

3. Each supervisor, *eighty-five* dollars (\$85) per month and mileage at the rate of seven cents (\$0.07) per mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside the county shall be allowed and paid. Each supervisor is, in addition, allowed three hundred dollars (\$300) per annum to cover mileage expense at seven cents (\$0.07) per mile as ex officio road overseer or commissioner.

4. Grand jurors and trial jurors in the superior courts in civil and criminal cases, three dollars and fifty cents [(\$3)] (\$3.50) in lawful money of the United States for each day's attendance and mileage [to be computed] at the rate of [fifteen cents (\$0.15)] *seven cents* (\$0.07) per mile *each way* for each mile necessarily traveled in attending court [, in going only] . In criminal cases such fees and mileage of the trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance and the treasurer of the county shall pay the warrants. The fees of jurors in justices' courts shall be two dollars and *fifty cents* [(\$2)] (\$2.50) per day for each day's attendance and mileage [to be computed] at the rate of [fifteen] *seven cents* [(\$0.15)] *(\$0.07)* per mile *each way* traveled in attending court [, in going only]. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for, and shall pay all fees for mileage at the rate of six cents (\$0.06) per mile.

Allowance for mileage within the county in no case shall exceed six cents (\$0.06) per mile.]

The compensation provided by this section shall be paid to incumbent officers."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 151 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Tenney, and Ward—23.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 300**—An act to amend Sections 1804 and 1829 of the Education Code, relating to the election of school trustees.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 300?

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1804", and insert "Sections 1804 and 1829".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 1 of said bill, after line 11, insert

"SEC. 2. Section 1829 of said code is amended to read:

1829. The officers of election shall fill in the blanks provided on the envelopes and inclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The inspector of the election shall take possession of the returns and deliver them to the clerk of the school district who shall receipt him for the returns. On the seventh day after the election at [1] 2 o'clock p.m. the governing board of the district shall meet and canvass the returns and issue certificates of election to the person or persons elected and file duplicates of the certificates with the county superintendent of schools having jurisdiction over the district.

Immediately following its canvass of the returns, the governing board of the district shall forward the returns to the county superintendent of schools having jurisdiction over the district, who shall keep the returns on file for one year."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 300 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Tenney, and Ward—27.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 342**—An act to amend Section 7302 of the Business and Professions Code, relating to the State Board of Cosmetology.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 342?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 7301 and", and insert "Section".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "7301", and insert "7302".

##### Amendment No. 3

On page 1 of said bill, strike out lines 3 to 9, inclusive.

##### Amendment No. 4

On page 1, line 13, of the printed bill, as amended, after "chapter", insert "since December 1, 1941 or".

##### Amendment No. 5

On page 1 of said bill, strike out line 16, and insert "ment (1) actually engaged in conducting a cosmetological".

##### Amendment No. 6

On page 1 of said bill, strike out line 18; and on page 2, strike out line 1, and insert "employed in this State in the practice of cosmetology, as a licensed hairdresser and cosmetician or cosmetologist manager-operator; or (3) actually teaching cosmetology in this State in a position".

##### Amendment No. 7

On page 2, line 2, of said bill, strike out "or"; and strike out line 3, and insert "or (4) actually teaching in a public school in this State".

##### Amendment No. 8

On page 2, line 6, of said bill, strike out "or"; and strike out line 7, and insert "or (5) has any combination of (1), (2), (3), or (4) of this".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 342 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, and Swing—25.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 382**—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 382?

##### Amendment No. 1

On page 7, line 24, of the printed bill, after "business", insert

"In marketing areas where organized labor is the collective bargaining agent of milk plant employees the director may, upon recommendation of a majority of the board members, add a representative of organized labor to the local distributor board."



The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 382 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Swing and Tenney—25.  
NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 520**—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 520?

##### Amendment No. 1

On page 1, line 7, of the printed bill, strike out "for such purpose".

##### Amendment No. 2

On page 1, line 19, of the printed bill, following "shown", insert "shall be identified as to purpose but".

##### Amendment No. 3

On page 2, line 20, of the printed bill, following "comply", insert "substantially with the provisions then in existence or".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 520 by the following vote:

\* AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Swing, Tenney, and Weybret—29.  
NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 656**—An act to amend Section 883 of and add Section 904 to the Fish and Game Code, relating to nets.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 656?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act to", insert "amend Section 883 of and".

##### Amendment No. 2

On page 1 of said bill, strike out lines 13 and 14, and insert

"SECTION 1. Section 883 of the Fish and Game Code is amended to read:

883. In that part of District 16 lying north and west of a line drawn from the light on the end of Monterey Breakwater due east to the shore line, drift gill nets and set gill nets may be used. In District 15 it shall be unlawful to use set lines or any line with more than five hooks.

The possession upon board of any boat in District 15, of any purse seine net, drift gill net or round haul net, when such boat shall have drifted by force of current, tide or wind into the waters of said district, shall not be deemed a violation of this code.

SEC. 2. Section 904 is added to said code, to read".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 656 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Sutton, Swing, and Tenney—29

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 617**—An act to add Sections 601.5 and 607 to the Agricultural Code, relating to imitation ice cream and imitation ice milk.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 617?

##### Amendment No. 1

On page 2, line 1, of the printed bill, as amended, strike out "these", and insert "there".

##### Amendment No. 2

On page 2, line 2, of said bill, strike out "reading imita-"; and strike out lines 3 and 4, and insert ", which, as the case may require, shall read:

"Imitation ice cream used in the milk drinks served here" or "Imitation ice milk used in the milk drinks served here".

Each such sign shall be".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 617 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Chief Assistant Secretary Cleve V. Taylor at the Desk

#### CONSIDERATION OF SPECIAL ORDER

The hour of 10.30 a.m. having arrived, Assembly Bill No. 280 was taken up.

**Assembly Bill No. 280**—An act to repeal Part 4, comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, relating to the motor vehicle transportation tax.

Bill read third time, and presented by Senator Tenney.

##### Previous Question

Senator McBride moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 280.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—Senators DeLap, Rich, and Swing—3.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF SPECIAL ORDER

The hour of 10.45 a.m. having arrived, Assembly Bill No. 302 was taken up.

**Assembly Bill No. 302**—An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

Bill read third time, and presented by Senator DeLap.

## Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

## Amendment No. 1

On page 2, line 28, of the printed bill, as amended, after "struction", strike out ",", and insert "and".

## Amendment No. 2

On page 2, line 28, of the printed bill, as amended, strike out ", maintenance and operation".

Amendments read.

## Motion to Table

Senator Mayo moved that the amendments offered by Senator Fletcher to Assembly Bill No. 302 be laid on the table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, DeLap, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Rich, Seawell, Tenney, Ward, and Weybret—21.

**NOES**—Senators Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Quinn, Shelley, Slater, and Sutton—9.

## Further Consideration of Assembly Bill No. 302

The question being on final passage of Assembly Bill No. 302.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Slater, Swing, Tenney, Ward, and Weybret—25.

**NOES**—Senators Crittenden, Deuel, Donnelly, Fletcher, Quinn, Seawell, Shelley, and Sutton—8.

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 675**—An act to amend Sections 643 and 644 of and to add Section 634.5 to the Agricultural Code, relating to milk and cream, and the sanitation of dairy farms and milk products plants.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 675?

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act to", insert "amend Sections 643 and 644 of and to".

## Amendment No. 2

In line 2 of the title of said bill, strike out "the processing of cream", and insert "milk and cream, and the sanitation of dairy farms and milk products plants".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 3

On page 1 of said bill, after line 8, insert

"SEC. 2. Section 643 of said code is amended to read:

643. A dairy farm is insanitary in the following cases:

(a) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterwards sterilized *each time the same are used* by exposing them to water or water vapor at a temperature above 170 degrees Fahrenheit for a period of at least 15 minutes, or by boiling water or by superheated steam, or by a [chlorine] chemical or other sterilization process *which has been approved by the director, and the methods by which same shall be used to be established by regulation of the director* [each time the same are used]; or if the containers, utensils, appliances or equipment after sterilization are not adequately dried and protected from flies and dust and other contamination; or if any containers, utensils, appliances or equipment are used for any purpose other than that of handling milk or the products of milk.

(b) If the udders, flanks, hind legs and tails of cows are not reasonably clean during milking.

(c) If the milk or cream is not protected from contamination by dust and flies.

(d) If the person or wearing apparel of the dairyman, his employees or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(e) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or the consumer.

(f) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the separating, cooling, mixing, canning and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any dwelling house, barn, or poultry house, and shall not be used for any other purpose.

(g) If any urinal, privy vault, open cesspool, pigpen, stagnant water, accumulation of manure or other filth is permitted within 100 feet of the milk house or room, or within 50 feet of any cow stables, or stanchions or other place where milking is done.

(h) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash or paint is not made, if in the judgment of an authorized inspector it is needed.

(i) If the walls become soiled with manure, urine or other filth.

(j) If the yards or inclosures are filthy or insanitary, or if any part of such yards or inclosures, other than pastures, are made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(k) If the water supply for use around the dairy farm or for drinking by livestock is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter or pathogenic bacteria from any source.

(l) If the feed is spoiled, or otherwise unfit for feeding cows for the production of milk.

(m) If any milk or cream is separated, cooled, mixed, canned or kept in any room or place which is occupied by any person as a sleeping or living apartment, or occupied by fowls or animals.

SEC. 3. Section 644 of said code is amended to read:

644. A milk products plant is insanitary in the following cases:

(a) If milk or cream or any product of either is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(b) If the utensils and apparatus that come in contact with milk or its products are not thoroughly washed and sterilized by means of boiling water or superheated steam, or by a [chlorine] chemical or other sterilization process *which has been approved by the director and the methods by which same shall be used to be established by regulation of the director, immediately following the completion of any processing operations and if the cans or containers in which the milk or cream or products of either is received, transported or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again or if any containers, utensils, or apparatus, or equipment are used for any purpose other than that of handling milk and the products of milk.*

(c) If the floor is not constructed of nonabsorbent material acceptable to the department or if the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.



(d) If floor drains are not provided that will convey refuse milk, water and sewage away to a point at least 50 yards distant from such milk products plant or if any cesspool, privy vault, hog yard, slaughterhouse, manure or any decaying vegetable or animal matter shall be so located as to permit foul odors to reach such milk products plant or storeroom or depot where milk or its products are sold or handled; or if such milk products plant is not adequately and conveniently supplied with water free of pollution with sewage or contamination with pathogenic bacteria unless said water be subjected to efficient chlorination or otherwise treated to make it safe for use in connection with the manufacture of food products.

(e) If such milk products plant does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building used in connection with any milk products plant any species of animal life are permitted. If upon the floor or walls any milk or its products or any filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any milk products plant are unclean and not washed from time to time with reasonable frequency, or if suitable toilet and lavatory facilities and clean towels are not provided for employees.

(g) If tight, sound and cleanable walls and ceilings are not provided so as to exclude flies, insects and dust."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 675 by the following vote:

AYES—Senators Biggar, Burns, Crittenden, Cunningham, DeLap, Daniel, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1032**—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1032?

##### Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, as amended, strike out "five thousand six hundred dollars (\$5,600)", and insert "six thousand dollars (\$6,000)".

##### Amendment No. 2

On page 1, line 6, of the printed bill, as amended, strike out "four thousand two hundred dollars (\$4,200)", and insert "four thousand five hundred dollars (\$4,500)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1032 by the following vote:

AYES—Senators Biggar, Burns, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 759**—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 759?

##### Amendment No. 1

On page 1, line 4, of the printed bill, after "any", insert "gill or trammel".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 759 by the following vote:

AYES—Senators Biggar, Burns, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Tenney, Ward, and Weybret—27.

NOES—None.

Above bill ordered enrolled.

#### Secretary J. A. Beek at the Desk

#### Consideration of Assembly Amendments

**Senate Bill No. 1178**—An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1178?

##### Amendment No. 1

On page 1, line 9, of the printed bill, following "anything", insert ", other than written burial instructions, a will, or any document purporting to be a will,".

##### Amendment No. 2

On page 1, line 17, of the printed bill, following "S", insert "of Division 2".

##### Amendment No. 3

On page 1, line 21, of the printed bill, following "S", insert "of Division 2".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1178 by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1238**—An act to add Section 6018 to the Revenue and Taxation Code, relating to the sales and use taxes.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1238?

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "optometrist", insert "or physician and surgeon".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1238 by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1244**—An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1244?

**Amendment No. 1**

On page 2, lines 47 and 48, of the printed bill, strike out "nor by any assignee acting under an assignment for the benefit of creditors generally", and insert "nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the purpose of creditors generally".

**Amendment No. 2**

On page 2, line 48, of the printed bill, as amended, strike out "purpose", and insert "benefit".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1244 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1274**—An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1274?

**Amendment No. 1**

On page 13, line 27, of the printed bill, strike out "The information and maps, relating"; and strike out lines 28 to 32, inclusive, and insert "The creation of any zone in the San Luis Obispo County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the fiscal year 1944-1945 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 3720 of the Political Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the San Luis Obispo County Flood Control and Water Conservation District."

**Amendment No. 2**

On page 16, line 46, of the printed bill, strike out "In case any street, road, highway, railroad,"; strike out lines 47 to 52, inclusive; and on page 17, strike out lines 1 to 6, inclusive, and insert "If by any judgment in condemnation or".

**Amendment No. 3**

On page 17, line 7, of said bill, strike out "such".

**Amendment No. 4**

On page 5, line 30, of the printed bill, as amended May 12, 1945, after the comma following "otherwise", insert "provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes,

conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated."

#### Amendment No. 5

On page 5, line 30, of said bill, strike out "and", and insert "The district shall also have and may exercise the right".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1274 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—33.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 574**—An act to add Sections 8007 and 8008 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 574?

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 8007", and insert "Sections 8007 and 8008".

#### Amendment No. 2

On page 1 of said bill, between lines 18 and 19, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**SEC. 2.** Section 8008 is added to said code to read:

**8008.** Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher, or teachers, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction, maintain the school, or schools, of the district elsewhere than within the district or contract for the education of the pupils of such school, or schools, with the governing board of another district.

The maintenance of a school by a district outside the boundaries of the district or the making of a contract by the governing board of a district as provided in this article shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### Amendment No. 3

On page 1, line 19, of said bill, strike out "2", and insert "3".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 574 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Senate Bill No. 344**—An act to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, 6.05, and 6.08 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 344?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "A bill", and insert "An act".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "and 6.05", and insert "6.05, and 6.08".

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "as", and insert "where".

**Amendment No. 4**

On page 2, line 1, of said bill, strike out "6", and insert "VI".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 5**

On page 10 of said bill, between lines 22 and 23, insert

"SEC. 9. Section 6.08 of said act is hereby amended to read as follows:

Sec. 6.08. Withdrawals from Associations Not Issuing Stock or Investment Certificates. The provisions of this section shall not be applicable to any association issuing stock or investment certificates, but shall be applicable to any association not issuing either stock or investment certificates in the event, but only in the event, its by-laws expressly provide that this section shall be applicable to such association. In such case, the provisions of the preceding sections of this article shall also be applicable to such associations, but only if and to the extent that they are not inconsistent with the provisions of this section. In all such associations, holders of free shares therein desiring to withdraw in whole or in part may do so by giving notice thereof in writing of the amount desired to be withdrawn. At all times the right of shareholders to receive payment of withdrawals shall be secondary and subsequent to the right of such association to pay and to provide a reasonable fund for the payment of the following: dividends on shares, taxes, assessments, insurance, amounts necessary to fulfill previous loan commitments, repairs, alterations, and other sums necessary to protect and preserve or to furnish or equip its properties and its interests in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association.

While such association is on notice and subject to the foregoing provisions, not more than one-half of the net monthly receipts from assets then owned, in any one month, shall be applied to withdrawals for that month without the consent of the board of directors, and such payment shall continue until the value of all shares with respect to which notices of withdrawal are on file has been reduced to an amount less than 3 per cent of the value of all outstanding shares. No shareholders shall be permitted to withdraw whose shares are pledged to the association as security for a loan until such loan is fully paid. Whenever the demands of withdrawing shareholders exceed the money applicable to their payment, the notices of intention to withdraw must be registered in the order of filing and while such association is on notice payments thereon must be made in succession in the order that such notices were filed and registered. The remaining one-half of net receipts of such association may be used, in the discretion of the board of directors, for payment of withdrawals with respect to which notice has not been filed, subject to such limitations as the board of directors may fix, and for the operating expenses of the business and for making loans to members, or applied, in the discretion of the board of directors, to payment of withdrawals on notice. [Such association shall at no time be on a pro rata basis, except as hereinafter provided.]

All new investments by shareholders after such association is on notice, whether made upon shares already issued or upon new shares issued, shall have priority and shall have a prior right of withdrawal as against all other shareholders.

Whenever an application for withdrawal of free shares shall have been on file, or the payment of matured shares demanded, and either shall have remained unpaid for a period of one year, all the receipts of such association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and general indebtedness, be applied toward the payment of withdrawals and maturities [; and the board of directors or the commissioner may direct that such payments be made upon a ratable and proportionate basis]. Whenever such application or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years the commissioner may in his discretion forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner."

#### Amendment No. 6

On page 10, line 23, of said bill, strike out "SEC. 9.," and insert "SEC. 10."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 344 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—34.  
 NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 46**—An act to add Section 2181.02 to the Welfare and Institutions Code, relating to aid to the aged, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 46?

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 18 and 19, and insert "States Government in the manner prescribed by the State Department of Social Welfare, in reimbursement for the aid granted."

The State shall not withhold payments to a county because of the county's failure or inability to collect contributions, but the State shall refer such cases to the Attorney General for such action as he deems necessary."

#### Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on concurrence in the Assembly amendment.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 46 by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—28.

NOES—Senators Breed, Brown, DeLap, Dilworth, Donnelly, Hatfield, Hulse, McBride, Sutton, and Weybret—10.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 291?

**Amendment No. 1**

On page 3, line 20, of the printed bill, as amended, strike out "calendar".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 291 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—36.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 468**—An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 468?

**Amendment No. 1**

On page 1, line 18, of the printed bill, as amended, after "fulfilling", insert "the requirements of Section 480 of this code and".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 468 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 925**—An act to amend Sections 13307, 13409, 13554, 13671, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of Division 2 of the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill 925?

**Amendment No. 1**

On page 2, line 22, of the printed bill, as amended, strike out ". How-"; and strike out lines 23 to 33, inclusive, and insert ". except such part thereof as may be proved by the survivor to have originally belonged to him and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth. Where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by the survivor from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excluded only such part of the value of such property as is proportionate to the consideration furnished by such survivor."

**Amendment No. 2**

On page 2, line 34, of said bill, strike out "S of", and insert "S of Division 2 of".

**Amendment No. 3**

On page 4, line 43, of said bill, after the second "of", insert "Division 2 of".

**Amendment No. 4**

On page 5, line 6, of said bill, after "Part 8", insert "of Division 2".

**Amendment No. 5**

On page 5, line 9, of said bill, after "Part 8", insert "of Division 2".

**Amendment No. 6**

In line 5 of the title of the printed bill, after "Part 8", insert "of Division 2".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 925 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1278**—An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1278?

**Amendment No. 1**

In the last line of the title of the printed bill, between "contracts" and the period insert ", and providing for the dissolution of such agency".

**Amendment No. 2**

On page 3, line 10, of said bill, strike out "private".



**Amendment No. 3**

On page 3, line 11, of said bill, between "agency", and the semicolon, insert "except that the agency shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use".

**Amendment No. 4**

On page 3, line 12, of said bill, strike out "private".

**Amendment No. 5**

On page 3, line 15, of said bill, after the period, insert

"The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated."

**Amendment No. 6**

On page 3, line 18, of said bill, strike out "private".

**Amendment No. 7**

On page 5 of said bill, strike out lines 22 to 33, inclusive, and insert "SEC. 4.9. If by any judgment in condemnation or by".

**Amendment No. 8**

On page 5, line 34, of said bill, strike out "such".

**Amendment No. 9**

On page 18, line 26, of said bill, after "act", insert ", or the dissolution of the agency created by this act,".

**Amendment No. 10**

On page 20, line 23, of said bill, after "Article XIII", insert "and Section 13 of Article XI".

**Amendment No. 11**

On page 22 of said bill, between lines 12 and 13, insert

"SEC. 16.5. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 2 of Division 4 of the District Organization Act, and the agency shall be considered a district within the meaning of all of the provisions of such chapter."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1278 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution No. 63**—Relative to the creation of the Joint Interim Committee on Veterans Affairs.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

**NOES**—Senators Carter, Jespersen, Shelley, and Sutton—4.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 65**—Relative to an investigation by the City of Los Angeles of the amount of water in Owens Valley which is required for the purposes of the city.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—35.

**NOES**—Senator Tenney—1.

Resolution ordered transmitted to the Assembly.

#### **WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2099**

Senator Desmond moved that Assembly Bill No. 2099 be withdrawn from Committee on Business and Professions and referred to Committee on Finance.

Motion carried.

#### **MOTION TO PRINT REPORT**

Senator McCormack moved that the report of the subcommittee on proposed new additions to the State Highway System be printed in the Journal.

Motion carried.

June 8, 1945

*Honorable Thomas McCormack, Chairman,  
Transportation Committee,  
State Senate, Sacramento, California.*

**DEAR SENATOR MCCORMACK:** Your subcommittee appointed for the purpose of investigating and reporting upon the various bills introduced in this session providing for the inclusion of new or additional highways in the State Highway System, and to define a policy in regard to action on these bills in connection with present fiscal condi-

tions in the Highway Department of the State, and to study the feasibility of freeways in the State of California, beg to submit our unanimous conclusion as follows:

According to information obtained by us from the Department of Public Works, Division of Highways, an analysis of the bills presented at this session suggested additions to the Highway System and the freeway bills given consideration are as follows:

Senate Bill No. 86—Senator Biggar  
Senate Bill No. 184—Senator Donnelly  
Senate Bill No. 185—Senator Donnelly  
Senate Bill No. 186—Senators Donnelly and Hatfield  
Senate Bill No. 187—Senators Donnelly and Hatfield  
Senate Bill No. 262—Senator Biggar  
Senate Bill No. 306—Senator Dorsey  
Senate Bill No. 430—Senator Shelley  
Senate Bill No. 445—Senator Sutton  
Senate Bill No. 548—Senator DeLap  
Senate Bill No. 613—Senator Sutton  
Senate Bill No. 744—Senator Shelley, Keating et al.  
Senate Bill No. 746—Senator Shelley, Keating et al.  
Senate Bill No. 748—Senator Shelley, Keating et al.  
Senate Bill No. 750—Senator Shelley, Keating et al.  
Senate Bill No. 948—Senator Powers  
Senate Bill No. 1198—Senator Shelley  
Senate Bill No. 1199—Senator Shelley  
Assembly Bill No. 71—Messrs. Rosenthal et al.  
Assembly Bill No. 204—Messrs. Evans et al.  
Assembly Bill No. 216—Mr. Evans  
Assembly Bill No. 418—Mr. Beck  
Assembly Bill No. 441—Messrs. Anderson et al.  
Assembly Bill No. 472—Mr. Lowrey  
Assembly Bill No. 493—Messrs. Burkhalter and Lyon  
Assembly Bill No. 494—Mr. Burkhalter  
Assembly Bill No. 709—Mr. Dunn  
Assembly Bill No. 797—Messrs. Carey et al.  
Assembly Bill No. 1143—Messrs. O'Day et al.  
Assembly Bill No. 1144—Messrs. O'Day et al.  
Assembly Bill No. 1147—Messrs. O'Day et al.  
Assembly Bill No. 1148—Messrs. O'Day et al.  
Assembly Bill No. 1149—Messrs. O'Day et al.  
Assembly Bill No. 1150—Messrs. O'Day et al.  
Assembly Bill No. 1165—Messrs. O'Day et al.  
Assembly Bill No. 1166—Messrs. O'Day et al.  
Assembly Bill No. 1183—Messrs. O'Day et al.  
Assembly Bill No. 1854—Mr. Dickey  
Assembly Bill No. 1892—Mr. King  
Assembly Bill No. 1954—Mr. O'Day  
Assembly Bill No. 1955—Mr. O'Day  
Assembly Bill No. 2154—Mr. Crowley

Consideration was also given to the freeway bills:

Assembly Bill No. 1350—Mr. Stream et al. and  
Senate Bill No. 756—Senator Breed et al.

Even though under normal conditions the construction of some of these roads might tie in perfectly with the present plans of expansion by the Highway Department in the normal development of the Highway System, it is nevertheless the opinion of your committee that at no time in recent years would it be more inadvisable to recommend additions to the State Highway System than now.

The subcommittee further recommends a thorough and complete study of the needs in this State for street and highway improvements, including:

- 1st—Modernization of present State highways;
- 2d—Additions to State Highway System;
- 3d—Improvement of county roads and city streets for access purposes;
- 4th—Freeways or limited access highways;
- 5th—An overall, coordinated highway program for California.

To this end we recommend Senate Concurrent Resolution No. 27 or a similar resolution amended to include a study of State, county and city highway needs.

Respectfully submitted.

SUBCOMMITTEE ON PROPOSED NEW ADDITIONS  
TO THE STATE HIGHWAY SYSTEM

HAROLD J. POWERS, Chairman  
H. R. JUDAH  
JOHN F. SHELLEY  
GEORGE J. HATFIELD  
JESSE M. MAYO  
N. S. DILWORTH  
BEN HULSE  
JACK B. TENNEY

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 143

*Resolved*, That the following named person be stricken from the list of Senate attaches, and that her name be stricken from the pay roll of the Senate, to take effect on completion of work June 9, 1945.

Dolores A. Seiverson, Stenographer	Per day
	\$8.00

Resolution read, and on motion of Senator Powers adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 66

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 63

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1307

Assembly Bill No. 1999

Assembly Bill No. 2212

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 145

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

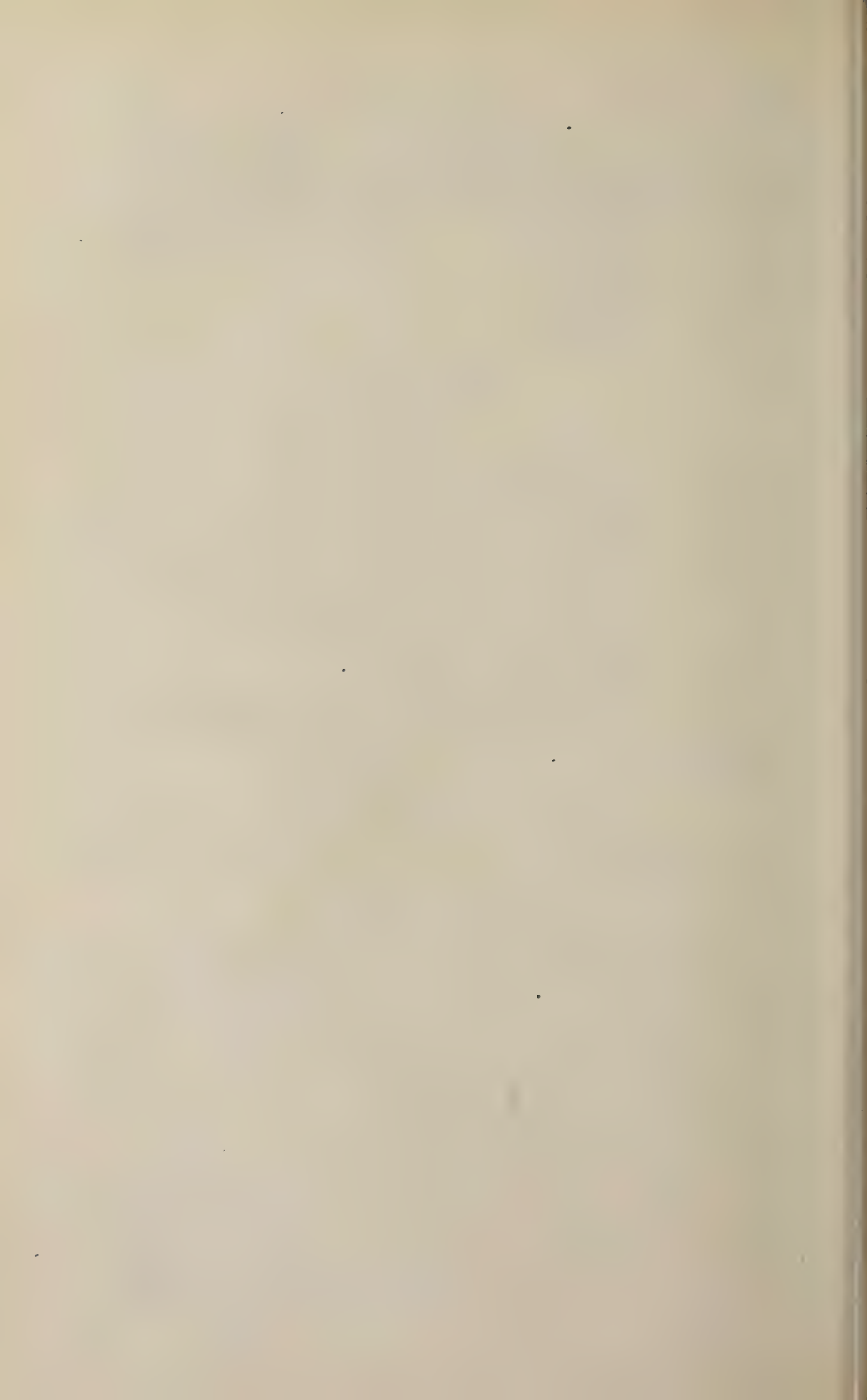
Above reported bill ordered to second reading.



**ADJOURNMENT**

At 1.25 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Thursday, June 14, 1945.

**JOHN F. LEA, Minute Clerk**



## CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

## SENATE DAILY JOURNAL

NINETY-FIFTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, June 14, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## MOTION TO PRINT PRAYER

Senator Slater moved the prayer offered by Rev. Dr. Clarence A. Kircher be printed in the Journal.

Motion carried.

Our Heavenly Father, we thank Thee for this day which directs our attention to the Flag which has spoken so eloquently in many scenes of war and peace, for liberty, courage and patriotism.

As we serve in this Legislature may this Flag ever remind us of our individual opportunities for patriotic service. Grant guidance and blessing to all who serve in places of leadership and responsibility in State and Nation. Our special prayer is for those who serve with the armed forces that they, too, may be inspired by this Flag.

God bless our dear United States,  
Preserve our land from evil fates,  
Lift high her banner fair and free,  
And guard her bounds from sea to sea.

Assailed by battle hosts of wrong,  
God help our country to be strong,  
Assailed by falsehood's crafty crew,  
God help our country to be true.

God hold the Nation's aim sincere,  
God save her heart from coward fear,  
God prosper her in true success,  
And crown her head with worthiness.—AMEN.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber this day was unanimously extended to Jack L. Nemar of Los Angeles.

On request of Lieutenant Governor Frederick F. Houser and Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Gaggero, Mayor of Daly City; E. Lynch and J. Sarto, both of Daly City, and Stanley Parmisano, National Oratorical winner, and his parents, Mr. and Mrs. Parmisano.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Congill, probation officer of San Mateo County.

**MESSAGES FROM THE GOVERNOR**

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO 14, June 13, 1945

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith without my signature

Senate Bill No. 419, entitled: "An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately.

My objections are as follows:

This bill was originally introduced to make it possible for a few individuals whose citizenship has been questioned to receive the benefits of aged aid. The author of the bill has written me requesting a veto because of the fact that revised estimates place the annual cost to the State at a figure much larger than originally anticipated. Accordingly I am returning the bill without my approval.

Respectfully submitted,

EARL WARREN, Governor

Message read.

Senate Bill No. 419 ordered placed on unfinished business file.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2232

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bill was read the first time:

**Assembly Bill No. 2232**—An act making an appropriation to the Department of Natural Resources, Division of Beaches and Parks, for the acquisition of the Amestoy Rancho in the County of Los Angeles.

Referred to Committee on Natural Resources.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 53

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read :

**Assembly Joint Resolution No. 53**—Relative to obtaining priority for construction of Rector Dam.

Referred to Committee on Water Resources.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to :

Assembly Bill No. 158  
Assembly Bill No. 1987  
Assembly Bill No. 2095  
Assembly Bill No. 1205

Assembly Bill No. 2116  
Assembly Bill No. 408  
Assembly Bill No. 466  
Assembly Joint Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By IL. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended :

Senate Bill No. 68  
Senate Bill No. 1024  
Senate Bill No. 1236

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed :

Senate Bill No. 155  
Senate Bill No. 166  
Senate Bill No. 171  
Senate Bill No. 188  
Senate Bill No. 451  
Senate Bill No. 530  
Senate Bill No. 635  
Senate Bill No. 830  
Senate Bill No. 976

Senate Bill No. 1186  
Senate Bill No. 1283  
Senate Bill No. 1242  
Senate Bill No. 156  
Senate Bill No. 602  
Senate Bill No. 677  
Senate Bill No. 706  
Senate Bill No. 834  
Senate Bill No. 1177

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.

**REPORTS OF STANDING COMMITTEES****Committee on Education**

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred :

Assembly Bill No. 1007  
Assembly Bill No. 1483

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 9 ; committee vote : Ayes 7 ; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

**Committee on Fish and Game**

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:  
Assembly Bill No. 2138

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 328

Assembly Bill No. 1365

Assembly Bill No. 697

Assembly Bill No. 1366

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

**Committee on Institutions**

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 1197

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

BREED, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 2066

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

BREED, Chairman

Above reported bill re-referred to Committee on Finance.

**CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 413**—An act to add Section 4041.5a to the Political Code, relating to the power of the board of supervisors to provide operas and other musical entertainment.

Bill read third time.

**Motion to Amend**

Senator Cunningham moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, strike out "musical".

**Amendment No. 2**

On page 1, lines 5 and 6, of said bill, strike out "their respective counties", and insert "counties having a population in excess of one million".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1280**—An act to amend the chapter heading of Chapter 4 of Division 6 of, and to add Section 1190 to the Agricultural Code, to amend Sections 1191, 1193, 1194, 1195, 1196, 1199, 1200, 1202, 1206 and 1217 of the Agricultural Code, and to repeal Section 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 32 of the printed bill, after "with the", insert "production,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**RESOLUTIONS**

The following resolution was offered:

By Senator Dorsey:

**Senate Resolution No. 144**

Relating to the continuance of the Senate Interim Committee on a State Training School for Boys and for Girls, created by Senate Resolution No. 22 of the Fifty-fifth (Fourth Extraordinary) Session

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Interim Committee on a State Training School for Boys and for Girls, created by Senate Resolution No. 22 of the Fifty-fifth (Fourth Extraordinary) Session, is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as they may be amended from time to time, become applicable to this committee and its members.

4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**MESSAGES FROM THE GOVERNOR**

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 13, 1945

*To the Senate of the State of California:*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

**BOARD OF TRUSTEES, PACIFIC COLONY**

A. T. Richardson, resident of Pomona, Editor of the Progress Bulletin, as Member of the Board of Trustees of Pacific Colony, vice self, term expired, for the term ending four years from date commission is issued.

Donald P. Nichols, resident of Pomona, Attorney at Law, as Member of the Board of Trustees of Pacific Colony, vice self, term expired, for the term ending four years from date commission is issued.

Mrs. Russell K. Pitzer, resident of Pomona, active in community affairs, as Member of the Board of Trustees of Pacific Colony, vice self, term expired, for the term ending four years from date commission is issued.

Clayton Howland, resident of Los Angeles, Attorney at Law, as Member of the Board of Trustees of Pacific Colony, vice self, term expired, for the term ending four years from date commission is issued.

Raymond E. Smith, resident of Pomona, President of the First National Bank of Pomona, as Member of the Board of Trustees of Pacific Colony, vice Fred King, of El Monte, term expired, for term ending four years from date commission is issued.

#### BOARD OF TRUSTEES, NORWALK STATE HOSPITAL

Dr. Glenn Myers, resident of Compton, Medical Superintendent of Compton Sanitarium, as Member of the Board of Trustees of Norwalk State Hospital, vice self, term expired, for the term ending four years from date commission is issued.

Dr. Arthur R. Timme, resident of Los Angeles, Director of Pasadena Child Guidance Clinic, as Member of the Board of Trustees of Norwalk State Hospital, vice self, term expired, for the term ending four years from date commission is issued.

Dr. Arlien Johnson, Ph.D., resident of Los Angeles, Dean, Graduate School of Social Work, University of Southern California, as Member of the Board of Trustees of Norwalk State Hospital, vice Alfred D. Boone, term expired, for the term ending years from date commission is issued.

Carley V. Porter, resident of Compton, Educator, presently Civilian Instructor in the Air Corps Training Center at Santa Ana, as Member of the Board of Trustees of Norwalk State Hospital, vice self, term expired, for the term ending four years from date commission is issued.

#### BOARD OF TRUSTEES, PATTON STATE HOSPITAL

G. D. Snider, resident of San Bernardino, in building and loan business, as Member of the Board of Trustees of Patton State Hospital, vice self, term expired, for the term ending four years from date commission is issued.

Jay Dewey Harnish, resident of Ontario, an architect, as Member of the Board of Trustees of Patton State Hospital, vice self, term expired, for the term ending four years from date commission is issued.

Howard H. Hays, resident of Riverside, Vice President, Riverside Daily Press, Inc., as Member of the Board of Trustees of Patton State Hospital, vice Dr. S. B. Richards, term expired, for the term ending four years from date commission is issued.

Dr. E. L. Tisinger, resident of San Bernardino, physician and surgeon, as Member of the Board of Trustees of Patton State Hospital, vice Dr. Ross Moore, term expired, for term ending four years from date commission is issued.

Mrs. Gladys Wassner, resident of Fontana, active in civic affairs, housewife, as Member of the Board of Trustees of Patton State Hospital, vice P. J. Cormack, term expired, for the term ending four years from date commission is issued.

Sincerely,

EARL WARREN, Governor

Message read and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, June 13, 1945

*To the Senate of the State of California:*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

#### STATE BOARD OF EDUCATION

Byron H. Atkinson, of Glendale, California; Coordinator of Veterans Affairs at University of California at Los Angeles; recently Assistant to the Dean of Undergraduates at that university; veteran of World War II, First Lieutenant, Parachute Group Headquarters; graduate of University of California at Los Angeles, 1940, B.A. degree; presently candidate for Doctor of Education degree, as Member, State Board of Education, vice Robert Dulin, of Beverly Hills, term expired, for the term ending January 15, 1949.

Mrs. Margaret H. Strong, of Palo Alto; housewife; graduate of Barnard College, A.B., 1911; formerly president, California Congress of Parents and Teachers, as Member, State Board of Education, vice James M. Tadlock, of Eureka, term expired for the term ending January 15, 1948.

Cornelius J. Haggerty, of Los Angeles; secretary-treasurer, California Federation of Labor; second vice president, Wood, Wire and Metal Lathers International Union; secretary, Los Angeles Building and Construction Trades Council (on leave); member,



Regional War Manpower Commission; formerly chairman, Personnel Board of the Los Angeles City School System; and formerly member, State Personnel Board, as Member, State Board of Education, vice Edward Cummings, of Bakersfield, term expired, for the term ending January 15, 1949.

Fred W. Smith, resident of the city of Ojai, farmer and member of the board of trustees of Claremont Colleges, as Member, State Board of Education, vice self, term expired, for the term ending January 15, 1948.

William L. Blair, resident of Pasadena; newspaper editor; member, Pasadena Board of Education, as Member, State Board of Education, vice self, term expired, for the term ending January 15, 1948.

Sincerely,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

### CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Bill No. 144**—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.17, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 144?

#### Amendment No. 1

On page 10, lines 43 and 44, of the printed bill, as amended, strike out "person has been injured, or".

#### Amendment No. 2

On page 11, line 3, of said bill, strike out "180", and insert "90".

#### Amendment No. 3

On page 11, line 4, of said bill, strike out "Such claim", and insert "Whenever it is claimed that any person has been injured or damaged as a result of any dangerous or defective condition of any property, equipment or facilities owned, operated or controlled by the district or its directors, officers, agents or employees or by any act or omission of any director, officer, agent or employee of the district, a verified claim for damages shall be presented in writing and filed with such director, officer, agent or employee and with the secretary of the board of directors, within 180 days after such injury or damage has occurred. Each claim filed for the purpose of complying with this section".

#### Amendment No. 4

In line 4 of the title of the printed bill, as amended, strike out "12.16", and insert "12.17".

#### Amendment No. 5

On page 9, line 36, of said bill, strike out "12.16", and insert "12.17".

#### Amendment No. 6

On page 9, line 37, of said bill, strike out "12.16", and insert "12.17".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 144 by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mixer, Parkman, Powers, Seawell, Sutton, and Weybret—22.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 579**—An act to amend Section 7405 and add Section 7413 to the Health and Safety Code, relating to burial and removal permits.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 579?

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

## Amendment No. 1

In line 1 of the title of the printed bill, after "act to", insert "amend Section 7405 and".

## Amendment No. 2

On page 1, line 1, of the printed bill, after "Section 1.", insert "Section 7405 of the Health and Safety Code is amended to read:

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when [a dead body is] *human remains* are transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported, as a basis upon which he [may] *shall* issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment and the place of death. *The transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred and a copy of the permit issued by the local registrar shall be filed as a permanent record by that registrar.*

SEC. 2."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 579 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Seawell, Sutton, and Weybret—23.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 651**—An act to add Section 1622 to the Health and Safety Code, relating to biologics.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 651?

## Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out the period, and insert ", except that the provisions of such chapter of such division shall not apply to products of:

(a) A laboratory licensed by the United States Public Health Service; or  
(b) A laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 651 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Sutton, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 906**—An act to amend Section 368 of the Agricultural Code, relating to licensing of cattle buyers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 906?

**Amendment No. 1**

In the title of the printed bill, as amended, strike out line 2, and insert "to licensing of cattle buyers."

**Amendment No. 2**

On page 1, line 4, of said bill, strike out "except a licensed cattle slaughterer".

**Amendment No. 3**

On page 1, line 5, of said bill, strike out "transportation", and insert "resale or slaughter to receive for transportation or to transport said cattle".

**Amendment No. 4**

On page 1, lines 6 and 7, of said bill, strike out "for sale or slaughter, to receive the same for transportation or to transport the same,".

**Amendment No. 5**

On page 1, line 8, of said bill, after "so", insert "; provided that licensed cattle slaughterers shall not be subject to this section".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 906 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 908**—An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 908?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 10 to 14, inclusive, and insert "giving the same. Failure of the".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 908 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. SPEAKER: The Committee on Conference concerning:

**Senate Bill No. 301**—An act relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Assembly be concurred in and that the bill, as amended on May 28, 1945, be further amended as follows:

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 16 and 17, and insert " "Commissioner," with respect to any matter relating to a particular market, means the deputy Labor Commissioner who is in charge of the office of the Labor Commissioner located nearest to that market."

#### Amendment No. 2

On page 4, between lines 36 and 37, of said bill, insert "Sec. 15. The director may make such rules and regulations as he may deem necessary to carry out the provisions of this act and to effectuate its purposes."

Sec. 16. The director may exercise his powers and perform his duties under this act through the agency of any member or members of his staff designated by him for the purpose."

#### Amendment No. 3

On page 4, line 37, of said bill, strike out "15", and insert "17".

#### Amendment No. 4

On page 4, line 45, of said bill, strike out "16", and insert "18".

HATFIELD  
HULSE  
CRITTENDEN

LOWREY  
ERWIN  
MALONEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 5, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1023**—An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in and that the bill, as amended on May 17, 1945, be further amended as follows:

#### Amendment No. 1

On page 1, line 19, of the printed bill, as amended, between "State", and the period insert "plus the amount of one dollar (\$1.00)".

#### Amendment No. 2

On page 2, line 15, of said bill, after "State", insert "plus the amount of one dollar (\$1.00)".

#### Amendment No. 3

On page 2, line 18, of said bill, between "portion", and the period insert "plus the amount of one dollar (\$1.00)".

#### Amendment No. 4

On page 3, line 27, of said bill, after "States", insert "or negotiable paper as the tax collector in his discretion may elect".

TENNEY  
PARKMAN  
QUINN

FIELD  
ERWIN

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.



## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 2143**—An act to amend Section 3 of an act entitled "An act defining the civil liability for failure to control fire," approved June 12, 1931, relating to the expenses of fighting fires.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1307**—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1999**—An act to amend Sections 8552, 8553, 8554, 8555, 8556 and 8557 of, and to add Section 8558 to the Public Resources Code, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, providing for the distribution of money deposited in the State Treasury in connection therewith, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2212**—An act to add Section 545.5 to the Agricultural Code, relating to cheese.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 145**—An act to amend Section 46 of the County Employees Retirement Act of 1937, relating to employees.

Bill read second time, and ordered to third reading.

## RECESS

At 11 a.m., on motion of Senator Parkman, the Senate recessed to hear the remarks of Mr. Stanley Parmisano, National Oratorical winner.

## REASSEMBLED

At 11.05 a.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following committee report of Finance Committee read, and the Assembly Bills given a second reading, for the purpose of adopting committee amendments.

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 55	Assembly Bill No. 1053
Assembly Bill No. 380	Assembly Bill No. 1117
Assembly Bill No. 391	Assembly Bill No. 1523
Assembly Bill No. 533	Assembly Bill No. 1598
Assembly Bill No. 985	Assembly Bill No. 1811
Assembly Bill No. 1015	Assembly Bill No. 1823
Assembly Bill No. 1035	Assembly Bill No. 1951

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 55**—An act to add Section 5 to an act entitled "An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach," approved June 8, 1943, relating to the availability of said appropriation.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

## Amendment No. 1

On page 1, line 3, of the printed bill, strike out "avail-", and strike out lines 4, 5, and 6, and insert "payable from the State Beach Fund and shall be available during the Ninety-seventh and Ninety-eighth Fiscal Years."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 380**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

## Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "in equal parts".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 391**—An act to make an appropriation to The Regents of the University of California for the establishment and maintenance of schools of industrial relations.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

## Amendment No. 1

On page 1, line 4, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 533**—An act to add Chapter 4 to Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft, making an appropriation therefor and declaring the urgency thereof to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

On page 2, line 3, of the printed bill, as amended, following "States", insert "or Territories".

##### Amendment No. 2

On page 2, line 18, of the printed bill, as amended, preceding the semicolon, insert "or for delivery to a garbage collector who, for the purpose of accepting garbage as defined in this chapter, is licensed by the director or by the Federal Government".

##### Amendment No. 3

On page 2, line 27, of the printed bill, as amended, strike out "garbage, or other", and insert "or other approved processing for, garbage".

##### Amendment No. 4

On page 2, line 28, of the printed bill, as amended, strike out "approved proceeding for,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 985**—An act to amend Sections 20602, 20603, 20750, 21252, 21256, and 21257 of the Government Code, and to add Sections 20602.1 and 21252.1 thereto, relating to the State Employees' Retirement System, and changing the rates of contribution thereto and the benefits payable therefrom in respect to members of the California Highway Patrol and making an appropriation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

On page 4, line 12, of the printed bill, as amended, after "entrance", insert "if".

##### Amendment No. 2

On page 5, line 20, of said bill, strike out " $3\frac{75}{100}$ ", and insert "7.2".

##### Amendment No. 3

On page 6, line 41, of the printed bill, as amended, following the period, insert "In the event provision is made by law enacted at the Fifty-sixth Regular Session of the Legislature for payment of appropriations for support of the Department of Motor Vehicles out of the Motor Vehicle Fund and abolishing the Motor Vehicle Support Fund, the additional expenditure required by the amendments made by this act, not exceeding the said sums above set forth for the Ninety-seventh and Ninety-eighth Fiscal Years, respectively, shall be paid out of the Motor Vehicle Fund and the provisions of this section relative to the loan or loans shall be of no effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1015**—An act making an appropriation for the purpose of defraying one-half the cost of the construction of sewerage facilities by local agencies and providing the procedure for the allocation and expenditure of such appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 24, of the printed bill, as amended, after "act", insert ", of which not more than 1 per cent shall be available to the Department of Finance for payment of expenses necessary to carry out the provisions of this act."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1035**—An act making an appropriation from the Postwar Employment Reserve to be expended by The Regents of the University of California for the purpose of building, equipping, and operating an insectory on the campus of the citrus experiment station of the University of California, at Riverside, California.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

**Amendment No. 2**

In lines 3 and 4 of the title of the printed bill, strike out "from the Postwar Employment Reserve".

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "Postwar Employment Reserve", and insert "State Treasury".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1053**—An act making an appropriation to the Department of Agriculture for the purpose of acquiring land for a livestock and poultry disease diagnostic and testing laboratory in Fresno County.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 20, of the printed bill, as amended, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1117**—An act making an appropriation for administration of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 3, 4 and 5, of the printed bill, strike out "to be transferred by the State Controller on the effective date of this act to the Soil Conservation Commission Fund".

**Amendment No. 2**

On page 1, line 5, of said bill, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1523**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for the Department of Public Health and in furtherance of the postwar building program.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1598**—An act to repeal Sections 350 and 354, inclusive, and to add Sections 350 to 360, inclusive, to the Health and Safety Code, relating to Division of Dental Health in the Department of Public Health and to make an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 3, line 8, of the printed bill, as amended, after "(\$229,340)", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1811**—An act providing for the acceptance, receipt and disposition of property by the State Board of Education and making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 9 to 13, inclusive.

**Amendment No. 2**

On page 1, line 14, of said bill, strike out "4", and insert "2".

**Amendment No. 3**

On page 2, line 2, of said bill, before "storing", insert "accepting,".

**Amendment No. 4**

On page 2, lines 5 and 6, of said bill, strike out "War Training Equipment Disposition Fund", and insert "appropriation made by this act in augmentation thereof. Any such moneys found by the board to be in excess of the costs incurred in accepting, storing, handling and disposing of property under the provisions of this act may, upon approval of the Department of Finance, be refunded to the parties from whom such moneys were received."

**Amendment No. 5**

On page 2, line 7, of said bill, strike out "5", and insert "3".

**Amendment No. 6**

On page 2, line 9, of said bill, strike out "which shall be placed", and strike out lines 10 and 11, inclusive, and insert "for expenditure by the State Board of Education in meeting the costs incurred by said board in accepting, storing, handling and disposing of property under the provisions of this act and in making refunds."

**Amendment No. 7**

On page 2, line 12, of said bill, strike out "6", and insert "4".

**Amendment No. 8**

On page 2 of said bill, strike out lines 13 to 16, inclusive, and insert "upon which date any unencumbered balance in the appropriation made by this act shall revert to the General Fund."

**Amendment No. 9**

On page 2, line 17, of said bill, strike out "7", and insert "5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in El Dorado, Amador and Calaveras Counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 15, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1951**—An act to amend Section 981.5 of the Military and Veterans Code, relating to veterans, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 12, of the printed bill, as amended, strike out "expenditures", and insert "expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 842

Assembly Bill No. 1142

Assembly Bill No. 2220

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 465

Assembly Bill No. 2140

Assembly Bill No. 2099

Assembly Bill No. 2230

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1573

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1788

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; absent 6.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1946

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1344

Assembly Bill No. 2047

Assembly Bill No. 1169

Assembly Bill No. 2048

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 881

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; noes 2; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1838

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2162

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2227

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Constitutional Amendment No. 39

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1387

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2120

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 927

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 2057

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 832

Assembly Bill No. 2206

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 986

Assembly Bill No. 1642

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

## SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 918

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 35

Assembly Bill No. 1128

Assembly Bill No. 938

Assembly Bill No. 1782

Assembly Bill No. 1127

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 68

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 71

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 609

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lowrey, Maloney, and Irwin, as a Committee on Conference concerning:

**Senate Bill No. 301**—An act relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets.ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk**NOTICE OF MOTION TO AMEND RULES**

Senator Seawell gave notice that on the next legislative day he would present the following resolution to amend the rules:

*Resolved*, That Rules 11 and 13 be amended as follows:

Amend Rule 11 by inserting after the second paragraph of the rule the following paragraph:

"The Senate Committee on Finance shall consist of four Senate Members of the Legislative Budget Committee and seven additional Members of the Senate appointed by the Committee on Rules."

Amend Senate Rule 13 by inserting after the first paragraph of such rule the following paragraph:

"The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment thereof and until the convening of the next regular session and shall have the same powers and duties as while the Senate is in session. In addition to any other authority vested in the committee it shall have authority to fill vacancies in any Senate committee or in the Senate Membership of any Joint Committee. In dealing with any matter within its jurisdiction the committee shall have the authority granted to investigating committees by the Joint Rules, and particularly by Joint Rule No. 36 as it now exists or may hereafter be amended. The committee may make available to any Senate or Joint Committee or Member of the Senate such assistance in connection with the duties of the committee or other legislative matters as the personnel under the direction of the committee or its other facilities permit."

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1013**—An act to amend Sections 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

Bill read third time.

## Motion to Amend

Senator Burns moved the adoption of the following amendment:

## Amendment No. 1

On page 3, line 38, of the printed bill, as amended, after "a", insert "local health, mosquito abatement,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Bill read third time.

## Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

## Amendment No. 1

On page 2, line 22, of the printed bill, as amended, after "thereof", insert a comma.

## Amendment No. 2

On page 2, line 23, of said bill, after "only", strike out the comma.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1126**—An act to add to the Welfare and Institutions Code Chapter 4 of Division 3, comprising Sections 2370 to 2374, inclusive, relating to the construction by counties of homes for aged persons.

Bill read third time.

## Motion to Amend

Senator Desmond moved the adoption of the following amendment:

## Amendment No. 1

On page 2, line 14, of the printed bill, as amended, after the period, insert "No recipient of aid shall be accepted as a tenant in any such building unless such recipient of aid has been a resident of the county for at least 10 consecutive years prior to the renting of the dwelling unit to him."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 973**—An act to add Section 682.1 to the Code of Civil Procedure, relating to the form of execution on money judgment. Bill read third time.

**Motion to Amend**

Senator Keating moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "An", and insert "A writ of".

**Amendment No. 2**

On page 1, line 9, of said bill, strike out the asterisk.

**Amendment No. 3**

On page 1, line 14, of said bill, after "creditor", insert "and".

**Amendment No. 4**

On page 1, line 18, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 5**

On page 1, line 19, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 6**

On page 1, line 20, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 7**

On page 1, line 21, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 8**

On page 1, line 22, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 9**

On page 1, line 26, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 10**

On page 2, line 1, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 11**

On page 2, line 2, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 12**

On page 2, line 6, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 13**

On page 2, line 7, of said bill, strike out "(new line)", and insert two asterisks.

**Amendment No. 14**

On page 2, line 8, of said bill, after "execution", insert a comma.

**Amendment No. 15**

On page 2 of said bill, strike out line 20, and insert "of this writ within not less than 10 days nor more than 60 days after your receipt thereof, with".

**Amendment No. 16**

On page 2 of said bill, strike out lines 25 to 27, inclusive, and insert "Note to printer: Where the asterisk (\*) appears in the foregoing form, it is intended that the printed form shall have the same arrangement and number of words in the line.

Where the double asterisk (\*\*) appears in the foregoing form, it is intended that the dollar sign characters (§) shall appear under one another in vertical column."

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 892**—An act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and



to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 11.18 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 467**—An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Kuchel, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

#### Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Assembly Bill No. 467 was passed.

The roll was called, and Assembly Bill No. 467 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

NOES—None.

#### Further Consideration of Assembly Bill No. 467

Bill read third time.

#### Motion to Amend

Senator Quinn moved the adoption of the following amendments:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 10 and 11 and insert "7620. 'Division,' as used in this part, means the Division of Industrial Safety."

##### Amendment No. 2

On page 2, line 12, of the printed bill, strike out "commis-".

**Amendment No. 3**

On page 2, line 13, of the printed bill, strike out "sion", and insert "division".

**Amendment No. 4**

On page 2, line 18, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 5**

On page 2, line 29, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 6**

On page 2, line 30, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 7**

On page 2 of the printed bill, strike out lines 32 and 33 and insert "7653. Upon good cause being shown therefor, the division may revoke a certificate of competency."

**Amendment No. 8**

On page 2, line 36, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 9**

On page 2, line 37, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 10**

On page 2, line 43, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 11**

On page 2, line 44, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 12**

On page 2, line 46, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 13**

On page 2, line 49, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 14**

On page 3, line 5, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 15**

On page 3, line 9, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 16**

On page 3 of the printed bill, strike out lines 12 and 13 and insert "unsafe or dangerous condition, the division may issue a preliminary order requiring such repairs".

**Amendment No. 17**

On page 3 of the printed bill, strike out lines 19 and 20 and insert "hearing before the division, upon request, at which the".

**Amendment No. 18**

On page 3, line 24, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 19**

On page 3 of the printed bill, strike out lines 27 and 28, and insert "things should be done to make the tank or boiler safe, the division may order or confirm the withholding of the permit".

**Amendment No. 20**

On page 3, line 32, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 21**

On page 3, line 37, of the printed bill, strike out "commission, a commissioner," and insert "division".

**Amendment No. 22**

On page 3, line 42, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 23**

On page 3, line 44, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 24**

On page 3, line 51, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 25**

On page 4, line 1, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 26**

On page 4, line 4, of the printed bill, strike out "commission", and insert "division".

**Amendment No. 27**

On page 4, line 19, of the printed bill, strike out "by the commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 644**—An act to add Section 929.5 to the Fish and Game Code, relating to districts and nets.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, DeLap, and Gordon—3.

NOES—Senators Burns, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Rich, Salsman, Seawell, Slater, Swing, Ward, and Weybret—23.

**Assembly Bill No. 703**—An act to amend Sections 326, 328, and 329, and to add Sections 327, 330, and 331 to the Fish and Game Code, relating to public shooting grounds.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 300**—An act to amend Section 512 of the Agricultural Code, relating to the pasteurization of ice cream.

Bill read third time, and presented by Senator Crittenden.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1178**—An act to add Section 8002 to the Welfare and Institutions Code, relating to the administration of moneys received for the benefit of the Indians of this State.

Bill read third time, and presented by Senator Keating.

**Previous Question**

Senator McBride moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 1178.

The roll was called and the bill refused passage by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Dorsey, Gordon, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Swing, and Weybret—14.

NOES—Senators Biggar, Breed, Carter, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Judah, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—20.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 32:** By Senator Keating—Relative to memorializing the Congress of the United States to investigate through its appropriate committee the proposed construction by the War Department of an ammunition loading facility in the County of Marin and to demand of the War Department that activities in connection with the said proposal be discontinued pending such investigation.

Referred to Committee on Military and Veterans Affairs.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 988**—An act to amend Sections 2507 and 2508 of the Revenue and Taxation Code, relating to the handling of negotiable paper received in payment of taxes.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1415**—An act to add Sections 2222.5 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time, and presented by Senator Carter.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2106**—An act to add Section 3044.1 to the Welfare and Institutions Code, relating to aid to the needy blind, and providing for payments to counties by the State in respect to recipients and former recipients confined in county hospitals.

Bill read third time, and presented by Senator Fletcher.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**Assembly Joint Resolution No. 41**—Relative to Indian claims for lands taken from them by the United States without compensation.

Resolution read, and presented by Senator Biggar.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 403**—An act to amend Sections 2939 and 2940 of the Civil Code, relating to mortgages.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 406**—An act to repeal Section 4133 of the Political Code, relating to recording of certificate of sale.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman,

Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1524**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1657, 1658, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1661.5, 1662.5, 1664, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment or transfer to and discharge from the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 487**—An act to amend Section 702 of the Welfare and Institutions Code, relating to the protection of minors, redefining the jurisdiction of the juvenile court and the crime of contributing to the delinquency of a minor, and specifying the powers of the juvenile court in respect thereto.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 948**—An act to add Title VIIIa, comprising Sections 1274.1 to 1274.17, inclusive, to Part III of the Code of Civil Procedure, to amend Section 1268 of the Code of Civil Procedure, Section 15 of the Bank Act, and to repeal Section 1273 of the Code of Civil Procedure, relating to the disposition of property actually abandoned and presumed to be abandoned.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 634**—An act to add Sections 17531.5 and 17533.5 to the Business and Professions Code, prohibiting the commission of cer-

tain fraudulent and unfair trade practices in connection with the sale of merchandise.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 12.50 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Concurrent Resolution No. 25**—Relative to California, the Pacific, and the postwar world, creating a joint Legislative Committee and defining its powers and duties in respect thereto.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—Senator Gordon—1.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 779**—An act to amend Section 8006 of the Education Code, relating to the maintenance by a school district of schools and classes outside its boundaries.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 782**—An act to amend Section 3129 of the Education Code, relating to elections of members of governing boards of high school districts.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 798**—An act to amend Sections 19071 and 19202 of the Education Code, relating to books and apparatus for school libraries.

Bill read third time, and presented by Senator Slater.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 809**—An act to add Section 18312 to the Education Code, relating to junior college buildings.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1061**—An act to add Section 19312 to the Education Code, relating to the establishment of cafeterias by school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1253**—An act to add Article 3 to Chapter 4 of Division 5 of the Education Code, relating to the granting to veterans of diplomas of graduation from high school.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1561**—An act to add Section 2537 to, and to repeal Section 2533.1 of the Education Code, relating to adding territory or excluding territory from school districts.

Bill read third time, and presented by Senator Biggar.



The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 463**—An act to add Section 4244.1 to the Political Code, relating to phonographic reporters in counties of the fifteenth class.

**Motion to Re-refer Assembly Bill No. 463**

Senator DeLap moved that Assembly Bill No. 463 be re-referred to Committee on Local Government.

Motion carried.

Secretary J. A. Beek at the Desk

**MOTION TO PRINT REPORT IN JOURNAL**

Senator McCormack moved that the report of the Senate Fact-Finding Committee on State Highway Revenues be printed in the Journal of Saturday, June 16, 1945, and that 250 additional copies be printed.

Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 928,

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2211

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Assembly Bill No. 2049

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 537

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Constitutional Amendment No. 37

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

QUINN, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 30

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported resolution ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported resolution ordered to third reading.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1799**—An act to add Section 19400 to the Government Code, relating to employees reinstated after military leave.

Bill read third time.

## Motion to Amend

Senator Seawell moved the adoption of the following amendments:

## Amendment No. 1

Strike out line 2 of the title of the printed bill, as amended, and insert "to public officers and employees and to their reinstatement after military service, declaring the urgency hereof, to take effect immediately."

## Amendment No. 2

On page 2 of said bill, after line 23, insert

"SEC. 2. Whenever, heretofore or hereafter, by any law of this State a public officer or employee is entitled to return to, or to be reinstated in, his office or employment within a specified period after his separation from the military service of the United States, including any uniformed auxiliary of such service, and in connection with his separation he is required to furnish, and does furnish, evidence that he will engage in civilian work of a specified category and subsequent to his discharge he does engage in such work, such officer or employee shall be deemed to be separated from such military service for purposes of such return or reinstatement and all rights and privileges connected therewith as of the date upon which he terminated such civilian work."

SEC. 3. This act is hereby declared to be urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of facts constituting such necessity is as follows:

A doubt has been expressed as to the time of separation in certain cases from the military service of the United States for the purposes of return or reinstatement in public offices and employments, including those of the State, counties, cities, municipal corporations, political subdivisions, public districts, and other public agencies of the State. The Legislature hereby declares that Section 2 of this act is intended not as a change in, but as a statement and declaration of the law as the Legislature intended it to be prior to the enactment of this act. To resolve any doubt and to avoid any delay in the reinstatement and reemployment of public officers and employees who have served in the military service, it is necessary that this act take effect immediately, but no inference is to be drawn herefrom that the law prior to the enactment of Section 2 of this act differed in any manner from the provisions of that section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1753**—An act to amend Section 19390 of, and to add Section 19401 to, the Government Code, relating to persons in military service.

Bill read third time.

#### Motion to Amend

Senator Ward moved the adoption of the following amendments:

##### Amendment No. 1

On page 2, line 12, of the printed bill, as amended, after "September 16", and before "to", insert "1940".

##### Amendment No. 2

On page 2, line 22, of said bill, after "September 16", and before "to", insert "1940".

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Sutton:

##### Senate Resolution No. 145

Relative to the creation of a Senate Interim Committee on Riding and Hiking Trails as a part of postwar development of the State's natural resources

WHEREAS, The natural recreational advantages of California constitute one of its greatest natural resources; and

WHEREAS, Many of these natural recreational values have remained undeveloped; and

WHEREAS, It will be to the economic, cultural and recreational advantage of the State to promote this natural resource; and

WHEREAS, The Citizens' Advisory Committee on the Development of Natural Resources of the State Reconstruction and Re-employment Commission through its subcommittee has issued a report on the possible development of riding and hiking trails covering the entire State; and

WHEREAS, This committee report states that a State-wide system of riding and hiking trails would be divided into units and that such units might be developed; and

WHEREAS, This committee has urged that a modest expenditure will be sufficient to institute and maintain a State-wide system of riding and hiking trails; and

WHEREAS, No method has been proposed for developing locally riding and hiking trails to serve individual communities or to coordinate local trails with the State-wide system; and

WHEREAS, The precise location of such trails and the mapping thereof has been undertaken; and

WHEREAS, No method has been presented for the development, maintenance, and promotion of the use of riding and hiking trails; and

WHEREAS, It is proposed in the Report on California Riding and Hiking Trails above referred to to institute legislation necessary to approve as a State policy the establishment of riding and hiking trails; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Interim Committee on Mountain Trails is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the matters referred to in the recitals of this resolution, including proper means of encouraging, supporting and financing those activities found desirable, and also including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Brown:

#### Senate Resolution No. 146

Relative to the purchase of the Industrial Service Encyclopedia of the Eleven Western States, Alaska, Hawaii and the Philippines

*Resolved by the Senate of the State of California,* That the Secretary of the Senate be and he is hereby authorized and directed to purchase forty (40) sets of the publication of the Industrial West Foundation known as the Industrial Service Encyclopedia of Resources of the Eleven Western States, Alaska, Hawaii and the Philippines and the supplementary services to be rendered in connection with such publication at one hundred dollars (\$100) per set; and be it further

*Resolved,* That the Secretary is instructed to deliver one set of the publication and the supplementary services to be rendered in connection therewith to each Member of the Senate; and be it further

*Resolved,* That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Industrial West Foundation for four thousand dollars (\$4,000) in payment for the above publication and supplementary services, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Rules.

By Senator Shelley:

#### Senate Resolution No. 147

*Resolved, by the Senate of the State of California, As follows:*

1. The Senate Committee on Interstate Cooperation is hereby created and appointed and authorized and directed to ascertain all facts relating to cooperation between this State and the other States, and with the Federal Government, and to make recommendations thereon for appropriate legislation.

2. The committee shall consist of the persons who are members of the committee created by Section 8001 of the Government Code, as they are appointed from time to time, and shall have the same chairman.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular



session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Shelley.

#### Senate Resolution No. 148

Relative to the creation of the Senate Interim Committee on Harbors

WHEREAS, The development of the harbors of this State is closely allied to the future commercial development of this State; and

WHEREAS, In the past there has been no integrated legislative program dealing with the facilities, management, and development of the harbors of this State; and

WHEREAS, The need for such a program in the immediate postwar period will be a matter of considerable legislative concern; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Interim Committee on Harbors is hereby created and authorized and directed to ascertain, study, and analyze all facts relating to harbors in this State, their facilities, administration, and development, their relation to other commercial activities in this State, and the experiences of other States and other countries with respect to similar problems, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### PRINTING OF REPORT IN JOURNAL

Pursuant to the motion of Senator Tenney, made on June 13, 1945, the following report of the Joint Fact-Finding Committee on Un-American Activities in California, was ordered printed in the Journal of this date.

## REPORT OF THE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

### Introduction

*Mr. President, Mr. Speaker, and Members of the Legislature:*

Your Joint Fact-Finding Committee Investigating Un-American Activities in California pursuant to Assembly Concurrent Resolution No. 59, herewith submits its final report on investigations conducted throughout the State during 1943 and 1944:

### AUTHORIZATION

The Joint Fact-Finding Committee on Un-American Activities in California was created pursuant to Assembly Concurrent Resolution No. 59, filed with the Secretary of State, May 12, 1943. This committee was instructed to "investigate, ascertain, collate and appraise all facts causing or constituting interference with the National Defense Program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially," and to "investigate the activity of groups and organizations whose membership includes persons who are members of the *Communist Party*, the *Fascist Organizations*, the *German Nazi Bund*, or any other organization known or suspected to be dominated or controlled by a Foreign power, which activities affect the conduct of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program." Assembly Concurrent Resolution No. 59 authorized the committee to act during the 1943 Session of the Legislature, and until the convening of the Fifty-sixth Legislature in 1945 and "to meet either during sessions of this Legislature (1943) or during any recess hereof in any and all places in this State, in public or executive session," and "to file reports with the Legislature during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature."

Pursuant to the provisions of the resolution, the Committee on Rules of the Senate appointed Senator Hugh M. Burns of Fresno County and Senator Jack B. Tenney of Los Angeles County, and the Speaker of the Assembly appointed Assemblyman Nelson S. Dilworth, Dr. Jesse Randolph Kellems of Bel-Air, and Randal F. Dickey of Alameda, as members of the committee. In compliance with the provisions of the resolution the members of the committee, at its organizational meeting, elected Senator Jack B. Tenney as chairman.

## ACTIVITIES OF THE COMMITTEE

The accumulated testimony of witnesses since the Joint Fact-Finding Committee was first organized in 1941 now consists of 5,387 typewritten pages, contained in 24 transcript volumes. Exhibits, introduced in connection with the testimony of witnesses, are voluminous. Many pamphlets, circulars, newspapers and magazines have been added to committee records.

Mr. R. E. Combs of Visalia was unanimously selected by the committee members to continue as chief investigator. Additional investigators were hired from time to time. Thomas L. Cavett did special work for the committee and Mr. W. Bruce Pine of Los Angeles continued his voluntary services in special phases of the committee's investigations. The *American Legion*, *Veterans of Foreign Wars*, the *Anti-Defamation League* and many patriotic and fraternal organizations rendered the committee, its members and its investigators, invaluable services. Many individuals, who desire to be unnamed, and many patriotic organizations, cooperated and worked with the committee, its members and investigators.

The members of the committee, following the policy laid down by the committee in 1941, were continually mindful of the sensationalism of all alleged subversive activities and endeavored in every way to conduct public hearings with dignity and restraint.

The committee, as heretofore, cooperated closely with the intelligence units of the armed forces, with the *Federal Bureau of Investigation* and with State and Federal agencies.

The press of the State of California continued to be an important adjunct to the work of the committee and, for the greater part, reported the committee's public hearings and investigations with accuracy.

## JAPANESE PROBLEMS IN CALIFORNIA

In both the first and second reports of the committee, the Japanese problem was reported on and discussed at some length. Since the filing of the second report, the "*Final Report Japanese Evacuation from the West Coast 1942*," by Lieutenant General J. L. DeWitt, has been released as a public document. It is a 618 page book, published by the United States Government Printing Office, Washington. Due to the reports' official and military status the committee feels it is its duty to quote at some length therefrom; and due to the wide public interest in the relocating of the *Japanese aliens* and *Japanese Americans*, the committee feels that it is its duty to give to the Legislature and the public a cross-section of public opinion as represented in the Daily Press, the same being news items and editorials from some of the principal dailies.

## WAR RELOCATION AUTHORITY

In earlier reports we have criticized the War Relocation Authority for the manner in which they have handled their jurisdictional duties over the *Japanese* and *Japanese Americans*. During the month of May, 1945, a controversy arose between the ILWU and some of its Stockton members over the employment of what was in the beginning a "*Japanese American*," whose first name was given variously as "*James*," "*Louis*" and "*Fukuso*" Yamamoto. On June 6, 1945 it was disclosed to the



press by the manager of the War Relocation Authority at Stockton that he had known at all times that *Yamamoto* was an alien, but that he withheld the information for the reason that he did not wish to put the union on the spot.

The following is WRA Manager Robertson's statement to the press:

“STOCKTON (San Joaquin Co.), June 6—(INS)—Disclosure that *Fukuso Yamamoto*, whose employment at a Stockton warehouse brought on a union dispute is an alien was not expected today to affect the suspension of the local unit of the International Longshoremen's and Warehousemen's Union.

*Yamamoto's* alien status was made known by John R. Robertson, War Relocation Authority manager. The Japanese at first was reported to be an American citizen.

Sixty members of the Stockton union remained suspended by the parent San Francisco local because of asserted racial discrimination toward *Yamamoto*. A union hearing on the discrimination charge is to be held June 17th.

#### Knew Man Was an Alien

Robertson said *Yamamoto* is presently living with a Japanese family at Acampo, Calif., and is employed in farm work.

He said he knew *Yamamoto* was an alien Japanese shortly after he was employed, but said nothing about it as he 'didn't want to put the union in a spot.'

The union suspension was ordered to remain effective until the Stockton warehousemen sign pledge cards, renewing their promise to uphold the union's constitution which prohibits 'racial discrimination.'

#### Born in Japan

*Yamamoto*, released May 1st from the Gila Relocation Center in Arizona, claimed he was born in 1904 in Hawaii, but his WRA record card showed he lived in Japan from 1904 to 1918.

The WRA records also show his mother was born in Japan in 1882 and remained there until 1916."

(*Yamamoto's* age was recorded as 41 years.) Parenthetic statement ours.

In view of the faithlessness of the WRA revealed in the INS news item just quoted, it seems that the committee has been justified in its criticism of the WRA. While this is a single incident, it is representative of the general conduct of the WRA in the administration of its jurisdictional duties. There are many shades of opinion in the public's opposition to the return of *Japanese aliens* and *Japanese Americans* to the West Coast. In the main these opinions center around the lack of public safety, and the safety of the *Japanese aliens* and the *Japanese Americans*.

#### PRESS EDITORIAL COMMENTS

An editorial from the *Los Angeles Times*, republished in the *Sacramento Bee* on June 7th, highlights the varied opinions:

"The grave and perplexing question of permitting the return of Japanese to the West Coast in wartime has entered a new disturbing phase, as had been anticipated.



Unpardonable violence against Japanese has occurred in a few instances. These are being magnified and distorted in Washington, D. C., and the East to give the impression that all Californians are bloodthirsty ruffians engaged in midnight raids on innocent persons.

Truth is that nearly all Californians are restraining not only themselves but any impetuous elements who threaten violence. It also is true, however, that this very air of tension was forecast by responsible elements anxious to avoid any trouble, when they urged that, as a military measure, persons of Japanese extraction be kept from the Coastal States until the war with Japan is over. The War Relocation Authority, nevertheless, insisted upon immediate return, although most of the Japanese themselves were willing, as a contribution to the war effort, to continue to absent themselves.

There has never been any question of the constitutional 'right' of American citizens of Japanese blood to return here after relaxing of military restrictions. But there was every evidence that the relaxation of army controls was forced by higher political circles.

Now that the very thing which most sober citizens here feared has begun to happen, there is no excuse for the rest of the country to slander Californians with a general condemnation of lawlessness. We deplore hoodlumism as much as anyone, but we foresaw its inevitability.

The fact is, as Ickes would learn if he took the trouble, that the great majority of the people of the Pacific Coast, while they do not welcome the return of any Japanese during wartime, are not hostile to them and deplore violence. They feel the action of the War Relocation Authority and Ickes, who heads it, in returning them is a mistake and would be a mistake even if the loyalty of every such single individual to the United States could be guaranteed. First, because it is impossible to safeguard them against the actions of hotheads, of which every community contains some; and second, because the presence of Japanese moving about freely here obviously facilitates the introduction of spies."

#### MORE FROM THE PRESS

A more detailed editorial from the *San Bernardino, California, Sun*, April 18th, 1945, reads as follows:

#### A Big Problem

"California has a profound interest in the loyalty of those Japanese-American citizens who are being returned to our State from concentration camps.

Their fidelity has been attested by the War Relocation Board, headed by Dillon S. Meyer, in whose judgment many do not have too much confidence. In addition, investigation has been made of these returning Japs by the Bureau of Investigation of the Department of Justice, which declares them worthy of American confidence.

Nobody can doubt the efficiency of the FBI. Its achievements with reference to the war effort are beyond adequate praise. But the question arises in most Californians' minds as to how the loyalty of *Japanese-American* can really be tested. It is a reasonable assumption that they share the traits of their Japanese ancestors

and ancestry means a lot to a Japanese, whether he is of a second generation or the first.

Probably the California prejudice against the Japanese may be based on selfishness. Whatever sort of base it is, the questions arising therefrom will be the same, whether they are reasonable or not.

While we Americans, all of us, grant the claim upon our patience American citizens of any race or creed have a right to make, there are some facts it is impossible to ignore. One of them very strikingly is that 6,000 out of the 7,000 *American-born* Japanese under 17 years of age in the Tule Lake Relocation Center have applied for citizenship renunciation papers.

That means, obviously that they prefer to return to Japan rather than remain in this country.

All that is doubtless highly discouraging to many Americans and it is much too significant to be ignored. The high incidence of disloyalty among *Japanese-Americans* will not be surprising to many Californians because they have long suspected their *Japanese-American* neighbors.

It is to be hoped now that the facts recited with reference to the Tule Lake Relocation Center have impressed those Americans who have assumed fellow citizens, whether members of an alien race, are endowed with respect and admiration for the American way of life.

Apparently, those Californians who have been protesting the return of the so-called *Japanese-Americans* from the war relocation centers had something more than mere suspicion upon which to base their complaints. Leading the opposition in Congress to return of *American-born Japanese* to California is Congressman Clair Engel, of Northern California, formerly a member of the California Senate and a former district attorney. He has made an exhaustive investigation of the situation and he says this:

'We should not have to fool around with any of these Japs who have acknowledged they are disloyal, or with their families. So long as they remain in this country, they are a source of danger, for their children will become American children by reason of birth. Such citizens who have renounced their own citizenship do not promise to become assets of this country.'

To many Californians the facts recited above will not only be astonishing but shocking. That 6,000 out of 7,000 *American-born Japanese* in a single war relocation center prefer to be citizens of Japan rather than of this land of the free would seem to be incredible.

Precisely what there is about this democracy of ours that failed to impress these Nipponese who have been among us since birth is a grave indictment of our American system, or its application to these people, or their own racial habits of thought.

We prefer to believe it is the latter. There is no other group in our citizenship, no matter what their extraction or racial origin, in whom a similar situation might be found to exist, we feel sure.'

## NEWSPAPER POLL

On May 10, 1945, the *Sacramento Union* conducted a street poll, which follows:

"In response to Secretary of Interior Ickes' Sunday declaration that *Japanese-Americans* returning to the West Coast are being terrorized, and to his appeal that residents of the West remember the Constitution and the Bill of Rights, a *Union* reporter yesterday put the issue to Sacramentans as he met them on the street.

'Keep the loyal ones here; deport the disloyal ones and the non-citizens' summed up the attitude of half a dozen who were interviewed.

Others favored outright deportation of all Japanese, and one man came forward with the idea of placing them all on an island, giving them representation, and saying: 'This is your home.'

Following are replies:

LT. ALLEN PANG, Honolulu, Army flyer with three stars, one while in the infantry at Pearl Harbor—I guess the younger generation are all right but I don't know about those older ones in Honolulu. Some of them were disloyal no matter what they say now. As for letting them come back to the Coast—they can come back under the law—that's all there is to it.

CHAPLAIN JOHN W. BETZOLD, Philadelphia, now at Camp Beale—They ought to come back if they're American citizens. It wasn't American citizens who caused Pearl Harbor. Unless it can be shown in a legal way that they should be deprived of their property, they should be allowed to come back to it. That is the law of our land.

M. E. GOMEZ, 1509 32d Street, theater manager—I think they should all go back to Japan. I don't think very much of them. They played dirty on us once and will again if they get the chance.

SGT. A. JOHANSON, Eureka—I've had no contact with the Japanese myself, but don't believe they should be allowed back on the coast. Some of our men say they have fought Japanese soldiers they went to school with back here. We are just educating their army.

R. B. REINBACK, Hotel Land, Assembly Sergeant-at-Arms, whose son was killed at Bougainville—I think the ones who were loyal should return; the ones who were disloyal should be barred. The loyal American citizens have that constitutional right. I'll tell you what I'd do—give them an island, give them representation and say, "This is your home."

R. P. SMITH, 2975 Marysville Road, North Sacramento, aircraft mechanic—As far as I am concerned, they don't need to come back ever. Those who don't speak English and are not citizens should be sent back to their own country; those who are American citizens in an American way—that's a different situation.

SAILOR X of Sacramento—I was in battles of Lingayen Gulf and Okinawa—Can't give my name because of restrictions.

They shouldn't be returned here. No special reason except the main one—I don't like them.

J. T. BATES, 1515 10th Street, draftsman—Those who are American citizens should be returned after the war, not now. Those who are not should be deported. I don't approve of this terrorism in California. We have law and order to take care of the situation.

FIRST LT. KENNETH KREUGER, Palo Alto, Army Air Force navigator, temporarily stationed at Camp Beale—The Japs would probably be happier if they went back to Japan. The ones who are citizens could settle down in some inland area like Denver.

MRS. KAY KARSTEN, 1017 14th Street, housewife—For our own protection, I think they should be returned to Japan.

MRS. RUTH TENER, 1231 33d Street, adjustment clerk for PGE—I don't think they should be allowed to return. When our soldiers come home, the Japs would be taking jobs our men will need. The Japs aren't American; they are Oriental and they can't assimilate into the American way of life.

MRS. INEZ WOOD, 725 Ninth Street, employed in the Department of Motor Vehicles—The Japs should never return, even the ones who are American citizens. I don't know about the legal aspects of taking their property away from them, but they shouldn't come back.

#### OPINION OF UNITED STATES SENATOR WARREN G. MAGNUSON

To demonstrate that the foregoing opinion is coast-wide, the following news item taken from the *Seattle Post Intelligencer* of April 29, 1945, quoting United States Senator Warren G. Magnuson (D-Wash.), follows:

“WASHINGTON, April 28.—A clear-cut National policy on Japanese residing in the United States was demanded tonight by Sen. Warren G. Magnuson (D-Wash.).

Magnuson said he would call on the immigration service to announce immediately after X-Day how it proposes to handle the Japanese problem. Congress can proceed from that point on, he added.

The Washington Senator has definite views on what should be done with each of several distinctive groupings of *Japanese* and *Japanese-Americans*.

#### Would Deport Some

‘One class of Japanese should be shipped off to Japanese territory on the first boat we can spare,’ Magnuson asserted. ‘They are the *alien Japanese* and the *American-born Japanese* who have indicated by act of implication their loyalty to Hirohito.

‘*Japanese aliens* not deported promptly should be held subject to deportation on the first evidence of sympathy toward Japan or of unfriendliness to this country, deportation to be consummated without involved and prolonged bureau procedures.

‘Persons of Japanese ancestry born in America should also be subject to deportation unless they attest their loyalty to the United States by formally renouncing the principle of dual citizenship.’



Magnuson explained the Japanese government considers all persons of Japanese ancestry, wherever they may be born, citizens of that country and subjects of the emperor.

'Events have proved many Japanese, although born in the United States, have considered their real allegiance is to Japan,' he said.

'On the other hand there have been *Japanese-Americans*, although their number is few, who long before the war went into court and legally renounced Japan's pretensions of their citizenship.

#### Loyalty Test Urged

" 'It is time for every *Japanese-American* to stand up and be counted. This country has no place either in war or in peace for anyone of questioned or questionable loyalty.' "

#### JAPANESE-AMERICAN SOLDIERS

The committee is mindful of the fact that the relocation of *Japanese aliens* and *Japanese-Americans* is a many-faceted problem; however, it is the complex nature of the *Japanese aliens* and *Japanese-Americans* that make it such. The committee is not unmindful of the bravery and valor of the *Japanese-Americans* in the army, but citing their sacrifices to bolster up public opinion in reference to disloyal *Japanese-Americans* only complicates the problem that these soldiers—the pick of the lot—must face in coming out into civilian life. There would be no "Japanese" problem if all of the *Nisei* and *Kebei*, or a substantial majority of them, would have taken a leaf out of the book of these soldiers who had the courage to throw aside the tradition of emperor worship.

The heretofore quoted editorial from the *San Bernardino, California, Sun*, and the following AP story from Phoenix, Arizona, evidences the great percentage of disloyal "*Japanese-Americans*":

#### Nisei and Kebei Draft Dodgers

"PHOENIX—(AP)—Judge Dave W. Ling of U. S. District Court upheld authority of Selective Service Boards to order induction of *Japanese-Americans* from relocation centers in a ruling which affected 98 youths from the Colorado River Camp at Poston, Ariz.

Ling, in a test case, found three of the youths guilty of violating the Selective Service Law by failure to report for induction. It previously had been stipulated that the ruling would apply to the 98.

Defense counsel contended Selective Service did not apply to the *Japanese* because most of them had been classified as enemy aliens and some had renounced American citizenship and applied for repatriation to Japan.

Of the three individual cases submitted to the court, *Yashuto Fujioka* and *Kingo Tajii*, submitted affidavits that they had asked permission to return to Japan and were prohibited from leaving the relocation center without military guard.

*Hideichi Takeguma* said he did not report for induction because he had been deprived of his rights as a citizen and believed he was not subject to the draft.

Attorneys said the case would be appealed to the Ninth Circuit Court of Appeals, San Francisco."

## SECRETARY ICKES

Secretary of Interior Ickes has blown hot and cold in reference to the returning of the Japanese to the West Coast. In one breath he has said that "they are being discouraged in returning until after the war." In another, he has urged them to go to their homes on the West Coast, and the War Relocation Authority has emulated the pattern set by Mr. Ickes.

## EXCERPTS FROM DeWITT'S FINAL REPORT

The "DeWitt Report," at page 85, paragraph e, states:

## (Keibi More Japanese Than Alien Parents)

"The typical Japanese family, therefore, consisted of *Japanese-born* parents who were enemy aliens, and their *American-born* children. Because of the Japanese custom of sending substantial numbers of their children, particularly the older children, to Japan to live with their grandparents or other relatives and to be educated as Japanese, there were in the 'citizen' group an undetermined number of *Kibei*. Many of these were even more Japanese in customs and loyalty than their alien parents."

Page 7 to page 19 of the "DeWitt Report" sets forth the problem of evacuation of the Japanese, as well as giving a clear and concise story of the Japanese situation which then existed—and will exist again without vigilant attention to the circumstances. The pages of the Report just referred to, read as follows:

## Civil Control Evacuation Impossible

"The Commanding General, meantime, prepared and submitted recommendations for the establishment of prohibited zones in Arizona, Oregon and Washington, similar to those he had prepared for California. Upon receipt of these supplemental recommendations, forwarded by the Secretary of War, the Attorney General declined to act until further study. In the case of Washington State, the recommended prohibited zone included virtually all of the territory lying west of the Cascades. A general enemy alien evacuation from this area would have been required. More than 9,500 persons would have been affected. No agency was then prepared to supervise or conduct a mass movement, and the Attorney General was not convinced of the necessity.

As early as January 5, in a memorandum of that date to Mr. Rowe, during the initial conferences at San Francisco, the Commanding General pointed to the need for careful advanced planning to provide against such economic and social dislocations which might ensue from such mass evacuation. The point was also established that the Army had no wish to assume any aspects of civil control if there were any means by which the necessary security measures could be taken through normal civilian channels. In order to trace clearly the developments which ultimately led to Executive Order No. 9066, and the establishment of military control, that memorandum is quoted in full at the end of this chapter.

The Department of Justice had indicated informally that it did not consider itself in a position to direct any enforced migrations. The Commanding General's recommendations for prohibited zones in Washington and Oregon were therefore viewed with particular concern by the Department. Not only did it feel that such action should be predicated on convincing evidence of the military necessity, it regarded the responsibility for collective evacuation as one not within its functions."

#### **Attorney General Refused to Accept Responsibility for Evacuation**

The Attorney General, on February 9, 1942, formally advised the Secretary of War, by letter, that he could not accept the recommendation of the Commanding General for the establishment of a zone prohibited to enemy aliens in the States of Washington and Oregon of the extent proposed by him. He stated in part:

'Your recommendation of prohibited areas for Oregon and Washington include the cities of Portland, Seattle and Tacoma and therefore contemplate a mass evacuation of many thousands \* \* \*. No reasons were given for this mass evacuation \* \* \*. I understood that \* \* \* Lieutenant General DeWitt has been requested to supply the War Department with further details and further material before any action is taken on these recommendations. I shall, therefore, await your further advice.'

#### **Problem of Great Magnitude**

'\* \* \* The evacuation \* \* \* from this area would, of course, present a problem of very great magnitude. The Department of Justice is not physically equipped to carry out any mass evacuation. It would mean that only the War Department has the equipment and personnel to manage the task.'

#### **Civil Authorities Could Only Deal With Alien Japanese**

'The proclamations directing the Department of Justice to apprehend, and where necessary, evacuate alien enemies, do not, of course, include American citizens of the Japanese race. If they have to be evacuated, I believe that this would have to be done as a military necessity in these particular areas. Such action, therefore, should in my opinion, be taken by the War Department and not by the Department of Justice.'

"The Commanding General thereafter submitted a resume of the military considerations which prompted his recommendation for a prohibited zone in Washington and Oregon embracing virtually the westerly half of those States. The Department of Justice, however, concluded that it was not in a position to undertake any mass evacuation, and declined in any event to administer such general civil control measures."

#### **Alien and American-born Japanese Reside on Same Premises**

"Meanwhile, the uncertainties of the situation became further complicated. The enforcement of contraband provisions was impeded by the fact that many *Japanese aliens* resided in premises owned by *American-born persons of Japanese ancestry*. The Department of Justice had agreed to authorize its special field

agents of the *Federal Bureau of Investigation* to undertake spot raids without warrant to determine the possession of arms, cameras and other contraband by Japanese, but only in those premises occupied exclusively by enemy aliens. The search of mixed occupancy premises or dwellings had not been authorized except by warrant only."

#### **Spot Search Revealed Munitions and Maps**

"In the Monterey area in California a Federal Bureau of Investigation spot raid made about February 12, 1942, found more than 60,000 rounds of ammunition and many rifles, shotguns and maps of all kinds. These raids had not succeeded in arresting the continuance of illicit signaling. Most dwelling places were in the mixed occupancy class and could not be searched promptly upon receipt of reports. It became increasingly apparent that adequate security measures could not be taken unless the Federal Government placed itself in a position to deal with the whole problem."

#### **Night Signaling From Coast Observed**

"The Pacific Coast had become exposed to attack by enemy successes in the Pacific. The situation in the Pacific theatre had gravely deteriorated. There were hundreds of reports nightly of signal lights visible from the coast, and of intercepts of unidentified radio transmissions. Signaling was often observed at premises which could not be entered without a warrant because of mixed occupancy. The problem required immediate solution. It called for the application of measures not then in being."

Footnote 1 follows:

"1. It is interesting to note that following the evacuation, interceptions of suspicious or unidentified radio signals and shore-to-ship signal lights were virtually eliminated and attacks on outbound shipping from West Coast ports appreciably reduced.

#### **Situation Dangerous to Safety of Japanese**

Further, the situation was fraught with danger to the Japanese population itself. The combination of spot raids revealing hidden caches of contraband, the attacks on coastwise shipping, the interception of illicit radio transmissions, the nightly observation of visual signal lamps from constantly changing locations, and the success of the enemy offensive in the Pacific, had so aroused the public along the West Coast against the Japanese that it was ready to take matters into its own hands. Press and periodical reports of the public attitudes along the West Coast from December 7, 1941, to the initiation of controlled evacuation clearly reflected the intensity of feeling. Numerous incidents of violence involving Japanese and others occurred; many more were reported but were subsequently either unverified or were found to be cumulative.



**Attorney General Has No Legal Authority Over  
American-born Japanese**

The acceptance by the Attorney General of the Washington and Oregon recommendations would not have provided the security which the military situation then required. More than two-thirds of the total Japanese population on the West Coast were not subject to alien enemy regulations. The action ultimately taken was based upon authority not then existing. It had become essential to provide means which would remove the potential menace to which the presence of this group under all the circumstances subjected the West Coast. It is pertinent now to examine the situation with which the military authorities were then confronted.

**Impossible to Determine Loyal From Disloyal Japanese**

Because of the ties of race, the intense feeling of filial piety and the strong bonds of common tradition, culture and customs, this population presented a tightly-knit racial group. It included in excess of 115,000 persons deployed along the Pacific Coast. Whether by design of accident, virtually always their communities were adjacent to very vital shore installations, war plants, etc. While it was believed that some were loyal, it was known that many were not. To complicate the situation no ready means existed for determining the loyal and the disloyal with any degree of safety. It was necessary to face the realities—a positive determination could not have been made.

**Japs Located at Strategic Points Not Coincidence**

It could not be established, of course, that the location of thousands of Japanese adjacent to strategic points verified the existence of some vast conspiracy to which all of them were parties. Some of them doubtless resided there through mere coincidence. It seemed equally beyond doubt, however, that the presence of others was not mere coincidence. It was difficult to explain the situation in Santa Barbara County, for example, by coincidence alone.

**Power Lines, Air Fields Surrounded by Japanese**

Throughout the Santa Maria Valley in that County, including the cities of Santa Maria and Guadalupe, every utility, air field, bridge, telephone and power line or other facility of importance was flanked by Japanese. They even surrounded the oil fields in this area. Only a few miles south, however, in the Santa Ynez Valley, lay an area equally as productive agriculturally as the Santa Maria Valley and with lands equally available for purchase and lease, but without any strategic installations whatever. There were no Japanese in the Santa Ynez Valley.

**Land Adjacent to Oil Fields Japanese Occupied**

Similarly, along the coastal plain of Santa Barbara County from Gaviota south, the entire plain, though narrow, had been subject to intensive cultivation. Yet, the only Japanese in this area were located immediately adjacent to such widely separated points as the El Capitan Oil Field, Elwood Oil Field, Summerland Oil Field, Santa Barbara airport and Santa Barbara lighthouse and harbor entrance. There were no Japanese on the equally attractive lands

between these points. In the north end of the county is a stretch of open beach ideally suited for landing purposes, extending for 15 or 20 miles, on which almost the only inhabitants were Japanese.

Such a distribution of the Japanese population appeared to manifest something more than coincidence. In any case, it was certainly evident that the Japanese population of the Pacific Coast was, as a whole, ideally situated with reference to points of strategic importance, to carry into execution a tremendous program of sabotage on a mass scale should any considerable number of them have been inclined to do so.

#### **Numerous Pro-Japanese Organizations in United States**

There were other very disturbing indications that the Commanding General could not ignore. He was forced to consider the character of the Japanese colony along the coast. While this is neither the place nor the time to record in detail significant pro-Japanese activities in the United States, it is pertinent to note some of these in passing. Research has established that there were over 124 separate Japanese organizations along the Pacific Coast engaged, in varying degrees, in common pro-Japanese purposes. This number does not include local branches of parent organizations, of which there were more than 310.

#### **Fascistic and Militaristic Organizations Made Up of Japanese**

Research and coordination of information had made possible the identification of more than 100 parent fascistic or militaristic organizations in Japan which have had some relation, either direct or indirect, with Japanese organizations or individuals in the United States. Many of the former were parent organizations of subsidiary or branch organizations in the United States and in that capacity directed organizational and functional activities. There was definite information that the great majority of activities followed a line of control from the Japanese government, through key individuals and associations to the Japanese residents in the United States.

#### **Japanese Language Propaganda Urging Contribution to Japanese War Effort**

That the Japanese associations, as organizations, aided the military campaigns of the Japanese Government is beyond doubt. The contributions of these associations towards the Japanese war effort had been freely published in Japanese newspapers throughout California.

Footnote 2 reads as follows:

2. Some of the newspaper items are as follows:

“March 13, 1941. Thirty-two bales of tinfoil were shipped to Japan through the Japanese Consulate General and were contributed by Japanese Associations of Fresno County, Kern County, Delano and San Bernardino.”

“July 6, 1941. Central California Japanese Association announces the collection and transmission to the War Ministry of the sum of \$3,542.05.”

**Japanese Veterans' Association Active**

'The Japanese Veterans Association was similarly engaged :  
"March 20, 1941. It is announced that the War Veterans Associations in Japan, Germany and Italy, in keeping with the spirit of the Axis Treaty have formed joint and advisory committees to aid and establish the new world order. There are 3½ million veterans and reservists headed by General Imei who have pledged their cooperation to Axis aims."'

**Emperor Worship—Propaganda Used**

The extent to which Emperor worshiping ceremonies were attended could not have been overlooked. Many articles appearing in issues of Japanese language newspapers gave evidence that these ceremonies had been directed toward the stimulation of 'burning patriotism' and 'all-out support of the Japanese Asiatic Co-Prosperity Program.'

Numerous Emperor worshiping ceremonies had been held. Hundreds of Japanese attended these ceremonies, and it was an objective of the sponsoring organization to encourage one hundred per cent attendance. For example, on February 11, 1940, at 7.00 p.m., the Japanese Association of Sacramento sponsored an Emperor Worshiping ceremony in commemoration of the 2,600th anniversary of the founding of Japan. Three thousand attended.

**Annual Ceremonies Devoted to Emperor Worship**

Another group of Japanese met on January 1, 1941, at Lindsay, California. They honored the 2,601st Year of the Founding of the Japanese Empire and participated in the annual reverence to the Emperor, and bowed their heads toward Japan in order to indicate that they would be '\* \* \* ready to respond to the call of the mother country with one mind. Japan is fighting to carry out our program of Greater Asiatic co-prosperity. Our fellow Japanese countrymen must be of one spirit and should endeavor to unite our Japanese societies in this country \* \* \*.'

**Japanese Military Code Instilled in Japanese Youth**

A few examples of the many Japanese associations extant along the Pacific Coast are described in the following passages:

*The Hokubei Butoku Kai.* The *Hokubei Butoku Kai*, or *Military Virtue Society of North America*, was organized in 1931 with headquarters at Alvarado, Alameda County, California, and a branch office in Tokyo. One of the purposes of the organization was to instill the Japanese military code of *Bushido* among the Japanese throughout North America. This highly nationalistic and militaristic organization was formed primarily to teach Japanese boys 'military virtues' through *Kendo* (fencing), *Judo* (Jiu-jitsu), and *Sumo* (wrestling). The manner in which this society became closely integrated with many other Japanese organizations, both business and social, is well illustrated by the postal address of some of these branches.

**Japanese War Effort Furthered**

The *Heimusha Kai*. The *Heimusha Kai* was organized for the sole purpose of furthering the Japanese war effort. The intelligence services (including the Federal Bureau of Investigation, the Military Intelligence Service and the Office of Naval Intelligence) had reached the conclusion that this organization was engaged in espionage. Its membership contained highly militaristic males eligible for compulsory military service in Japan. Its prime function was the collection of war funds for the Japanese army and navy. In more than 1,000 translated articles in which *Heimusha Kai* was mentioned, there was no evidence of any function save the collection of war relief funds.

A prospectus was issued to all Japanese in the United States by the Sponsor Committee for *Heimusha Kai* in America. That prospectus is quoted as follows:

'The world should realize that our military action in China is based upon the significant fact that we are forced to fight under realistic circumstances. As a matter of historical fact, whenever the Japanese government begins a military campaign, we, Japanese, must be united and everyone of us must do his part.'

**American-born Japanese Youth Taught Race Superior to All Others**

'As far as our patriotism is concerned, the world knows that we are superior to any other nation. However, as long as we are staying on foreign soil, what can we do for our mother country? All our courageous fighters are fighting at the front today, forgetting their parents, wives and children in their homes! It is beyond our imagination, the manner in which our imperial soldiers are sacrificing their lives at the front line, bomb after bomb, deaths after deaths! Whenever we read and hear this sad news, who can keep from crying in sympathy? Therefore, we, the Japanese in the United States, have been contributing a huge amount of money for war relief funds and numerous comforting bags for our imperial soldiers.'

**Japanese in United States Must Cooperate With Japanese Homeland**

'Today, we, Japanese in the United States, who are not able to sacrifice our lives for our national cause are now firmly resolved to stand by to settle the present war as early as possible. We are proud to say that our daily happy life in America is dependent upon the protective power of Great Japan. We are facing a critical emergency, and we will take strong action as planned. We do hope and beg you all to cooperate with us for our national cause.'

**Mother Country Relief Group Organized**

The *Heimusha Kai* was organized on October 24, 1937, in San Francisco. The meeting took place at the Golden Gate Hall, and



there were more than 200 members present. The following resolution was passed:

'We, the members of the Japanese Reserve Army Corps in America, are resolved to do our best in support of the Japanese campaign in China and to set up an Army Relief Department for our Mother Country.'

According to reliable sources there were more than 10,000 members of *Heimusha Kai* in 1940.

#### Japanese Language Textbooks Edited by Imperial Government

One extremely important obstacle in the path of Americanization of the second-generation Japanese was the widespread formation, and increasing importance, of the Japanese language schools in the United States. The purposes and functions of these Japanese language schools are well known. They employed only those textbooks which had been edited by the Department of Education of the Japanese Imperial Government.

#### Japanization of Second Generation American-born Japanese

In order to assist the Japanization of the second generation, the *Zaibei Ikuei Kai* (*Society for Education of the Second Generation in America*) was organized in *Los Angeles* in April, 1940. 'With the grace of the Emperor, the *ZAIBEI IKUEI KAI* is being organized in commemoration of the 2,600th Anniversary of the Founding of the Japanese Empire to Japanize the second and third generations in this country for the accomplishment of establishing a greater Asia in the future \* \* \* '.

In California alone there were over 248 schools with an aggregate faculty of 454 and a student body of 17,800.

#### Second Generation American-born Japanese Sent to Japan for Indoctrination

The number of American-born Japanese who had been sent to Japan for education and who were now in the United States could not be overlooked. For more than twenty-five years *American-born progeny of alien Japanese* had been sent to Japan by their parents for education and indoctrination. There they remained for extended periods, following which they ordinarily returned to the United States. The extent of their influence upon other *Nisei Japanese* could not be accurately calculated. But it could not be disregarded.

#### 20,000 American-born Japanese in Japan for Training

The *Kibei Shimin* movement was sponsored by the *Japanese Association of America*. Its objective for many years had been to encourage the return to America from Japan of *American-born Japanese*. When the movement started it was ascertained that there were about 20,000 *American-born Japanese* in Japan. The *Japanese Association of America* sent representatives to Japan to confer with Prefectural officials on the problems of financing and transportation. The Association also arranged with steamship companies for special rates for groups of one or more so returning, and requested all Japanese associations to secure employment for returning *American-born Japanese*.

**Many Alien and American-born Japanese Return to  
United States in 1941**

During 1941 alone more than 1,573 *American-born Japanese* entered West Coast ports from Japan. Over 1,147 *Issei*, or *alien Japanese*, re-entered the United States from Japan during that year.

**Some Percentages on Ages of Japanese Returned to United States**

The 557 male Japanese less than twenty-five years of age who entered West Coast ports from Japan during 1941 had an average age of 18.2 years and had spent an average of 5.2 years in Japan. Of these, 239 had spent more than three years there. This latter group had spent an average of 10.2 years in Japan.

Of the 239 males who spent three years or more abroad, 180 were in the age group 15 to 19 (with an assumed average age of 17.5 years) and had spent 10.7 years abroad. In other words, these 180 *Kibei* lived, on the average, 6.8 years at the beginning of their life in the United States and the next 10.7 years in Japan. Forty of the 239 who had spent three or more years abroad were in the age group 20 to 24, with an assumed average age 22.5. These were returning to the United States after having lived here, on the average, for their first 13 years and having spent the last 9.5 years in Japan, including one or more years when they were of compulsory (Japanese) military age.

It will be noted that 42.3 per cent of those in the 15 to 19 year group lived with a father or mother in Japan, and that 13.2 lived with a grandparent. In other words, more than 50 per cent of this group of *Kibei* had a parent or grandparent in Japan, and it is reasonable to assume that in most instances these *Kibei* lived with this nearest relative.

**American-born Japanese Lived With Parents and Grandparents  
While in Japan**

Combining this information with that from the preceding table, it is seen that in a group with an average age of 17.5 years who were returning to the United States after having spent an average of 7.4 years abroad continuously (in other words, from the time they were ten years of age) one-half had lived with their parent or grandparent in Japan. Yet, this group consists entirely of American citizens.

**- American-born Japanese Take Great Pride in Japanese  
Cultural Attainments**

Of the *Kibei* in Hawaii, Andrew W. Lind, Professor of Sociology, University of Hawaii, says: 'Finally, there is the rather large *Kibei* group of the second generation who, although citizens of the United States by virtue of birth within the Territory, are frequently more fanatically Japanese in their disposition than their own parents. Many of these individuals have returned from Japan so recently as to be unable to speak the English language and some are unquestionably disappointed by the lack of appreciation manifested for their Japanese education.' (American Council Paper No. 5, Page 187, American Council, Institute of Pacific Relations, 129 East 52nd Street, New York).

### Japanese Unassimilable

It was, perforce, a combination of factors and circumstances with which the Commanding General had to deal. Here was a relatively homogeneous, unassimilated element bearing a close relationship through ties of race, religion, language, custom, and indoctrination to the enemy.

### Commanding General's Duties to Defend Coast

The mission of the Commanding General was to defend the West Coast from enemy attack, both from within and without. The Japanese were concentrated along the coastal strip. The nature of this area and its relation to the national war effort had to be carefully considered.

### Outline of Military Areas

The areas ultimately evacuated of all persons of Japanese ancestry embraced the coastal area of the Pacific slope. In the States of Washington and Oregon to the north, Military Area No. 1 contains all that portion lying westerly of the eastern bases of the Cascade Mountains. In other words, the coastal plain, the forests, and the mountain barrier. In California the evacuation program encompassed the entire State—that is to say, not only Military Area No. 1 but also Military Area No. 2. Military Area No. 2 in California was evacuated because (1) geographically and strategically the eastern boundary of the State of California approximates the easterly limit of Military Area No. 1 in Washington and Oregon, and because (2) the natural forests and mountain barriers, from which it was determined to exclude all Japanese, lie in Military Area No. 2 in California, although these lie in Military Area No. 1 of Washington and Oregon. A brief reference to the relationship of the coastal States to the National war effort is here pertinent.

That part of the States of Washington, Oregon, and California which lies west of the Cascade and Sierra Nevada Ranges, is dominated by many waterways, forests and vital industrial installations. Throughout the Puget Sound area there are many military and naval establishments as well as shipyards, airplane factories and other industries essential to total war. In the vicinity of Whidby Island, Island County, Washington, at the north end of the island, is the important Deception Pass Bridge. This bridge provides the only means of transit by land from important naval installations, facilities and properties in the vicinity of Whidby Island. This island afforded an ideal rendezvous from which enemy agents might communicate with enemy submarines in the Strait of Juan de Fuca or with other agents on the Olympic Peninsula. From Whidby and Camano Islands, comprising Island County, the passages through Admiralty Inlet, Skagit Bay and Saratoga Passage from Juan de Fuca Strait to the vital areas of the Bremerton Navy Yard and Bainbridge Island can be watched. The important city of Seattle with its airplane plants, airports, waterfront facilities, Army and Navy transport establishments and supply terminals required that an unassimilated group of doubtful loyalty be removed a safe distance from these critical areas. A reference to the spot map (published in Chapter VIII), Figure 6, showing the distribution of



Japanese population along the frontier, discloses a high concentration of persons of Japanese ancestry in the Puget Sound area. Seattle is the principal port in the Northwest. It is the port from which troops in Alaska are supplied; its inland water route to Alaska passes the north coast of Washington into the Straits of Georgia on its way to Alaska.

#### **Lumber Industry Endangered**

The lumber industry is of vital importance to the war effort. The State of Washington, with Oregon and California close seconds, produces the bulk of sawed lumber in the United States. The large area devoted to this industry afforded saboteurs unlimited freedom of action. The danger from forest fires involved not only the destruction of valuable timber but also threatened cities, towns and other installations in the affected area. The entire coastal strip from Cape Flattery south to Lower California is particularly important from a protective viewpoint. There are numerous naval installations with such facilities constantly under augmentation. The coast line is particularly vulnerable. Distances between inhabited areas are great and enemy activities might be carried on without interference.

#### **Hazard in Petroleum Industry**

The petroleum industry of California and its great centers of production for aircraft and shipbuilding, are a vital part of the life blood of a Nation at war. The crippling of any part of this would seriously impede the war effort. Through the ports of Seattle, Portland, San Francisco, Los Angeles, and San Diego, flow the sinews of war—the men, equipment and supplies for carrying the battle against the enemy in the Pacific. A further reference to the spot map, Figure 6, in Chapter VIII, reveals the high concentration of this segment of the population surrounding nearly all these key installations.

#### **Japanese Aliens and Japanese-Americans Tightly-knit Group—Patriotically**

In his estimate of the situation, then, the Commanding General found a tightly-knit, unassimilated racial group, substantial numbers of whom were engaged in pro-Japanese activities. He found them concentrated in great numbers along the Pacific Coast, an area of the utmost importance to the National war effort. These considerations were weighed against the progress of the Emperor's Imperial Japanese forces in the Pacific. This chapter would be incomplete without a brief reference to the gravity of the external situation obtaining in the Pacific theater. It is necessary only to state the chronology of war in the Pacific to show this.

#### **Attack on Pearl Harbor**

At 8.05 a.m., the seventh of December, the Japanese attacked the United States naval base at Pearl Harbor without warning. Simultaneously they struck against Malaysia, Hong Kong, the Philippines, and Wake and Midway Islands.



### **Thailand and Malay Attack**

On the following day, the Japanese Army invaded Thailand. Two days later the British battleships "H. M. S. Wales" and "H. M. S. Repulse" were sunk off the Malay Peninsula. The enemy's successes continued without interruption. On the 13th of December, Guam was captured and on successive days the Japanese captured Wake Island and occupied Hong Kong, December 24th and 25th, respectively. On January 2d, Manila fell, and on the 27th of February the battle of the Java Sea resulted in a crushing naval defeat to the United Nations. Thirteen United Nations' warships were sunk and one damaged. Japanese losses were limited to two warships sunk and five damaged.

On the ninth of March the Japanese Imperial forces established full control of the Netherlands East Indies; Rangoon and Burma were occupied. Continuing during the course of evacuation, on the ninth of April, Bataan was occupied by the Japanese and on May 6th Corregidor surrendered.

### **Japanese Carrier Attacks Dutch Harbor**

On June 3d, Dutch Harbor, Alaska, was attacked by Japanese carrier-based aircraft and, with the occupation by the Japanese on June 7th of Attu and Kiska Islands, United States territory in continental Northern America had been invaded.

### **Submarine Attacks on West Coast of United States**

As already stated, there were many evidences of the successful communication of information to the enemy, information regarding positive knowledge on his part of our installations. The most striking illustrations of this are found in three of the several incidents of enemy attacks on West Coast points.

On February 23, 1942, a hostile submarine shelled Goleta, near Santa Barbara, California, in an attempt to destroy vital oil installations there. On the preceding day the shore battery in position at this point had been withdrawn to be replaced by another. On the succeeding day, when the shelling occurred, it was the only point along the coast where an enemy submarine could have successfully surfaced and fired on a vital installation without coming within the range of coast defense guns.

In the vicinity of Brookings (Mt. Emily), Oregon, an enemy submarine-based plane dropped incendiary bombs in an effort to start forest fires. At that time it was the only section of the Pacific Coast which could have been approached by enemy aircraft without interception by aircraft warning devices.

### **Range of United States Coast Guns Known to Japanese**

Similarly, a precise knowledge of the range of coast defense guns at Astoria, Oregon, was in the possession of the enemy. A hostile submarine surfaced and shelled shore batteries there from the only position at which a surfaced submarine could have approached the coast line close enough to shell a part of its coast defenses without being within range of the coastal batteries.

**Japanese Sub-Commanders Had Knowledge of Naval Off-shore Patrols**

In summary, the Commanding General was confronted with the Pearl Harbor experience, which involved a positive enemy knowledge of our patrols, our Naval dispositions, etc., on the morning of December 7th; with the fact that ships leaving West Coast ports were being intercepted regularly by enemy submarines; and with the fact that an enemy element was in a position to do great damage and substantially to aid the enemy nation. Time was of the essence.

The Commanding General, charged as he was with the mission of providing for the defense of the West Coast, had to take into account these and other military considerations. He had no alternative but to conclude that the Japanese constituted a potentially dangerous element from the viewpoint of military security—that military necessity required their immediate evacuation to the interior. The impelling military necessity had become such that any measures other than those pursued along the Pacific Coast might have been “too little and too late.”

**CONCLUSION**

The propaganda mill of the WRA indulges in the use of the term “*Loyal Japanese Americans*” for the obvious purpose of raising by trick and device the question of the constitutional rights of citizens. The issue involved turns not on this point but on the loyalty of the *Japanese aliens* and *Japanese-Americans* to the Government of the United States and the renunciation of allegiance to the Emperor of Japan.

In view of the foregoing quoted official findings on the “loyalty” of great numbers of Japanese, both *alien* and *American-born*, we again criticise Harold L. Ickes and the WRA for the use of deceptive and diversionary tactics in disseminating false and misleading information to the public in regard to this subject.

In conclusion on the Japanese problem, your committee, in view of the foregoing representative opinions and recitation of official facts, reaffirms its position that: It is dangerous to the public safety, and to the safety of the *Japanese aliens*, and those of *American birth*, to return them to this vital defense area during the war with Japan.

Respectfully submitted.

JACK B. TENNEY, Chairman,  
HUGH M. BURNS,  
NELSON S. DILWORTH,  
JESSE RANDOLPH KELLEMS, Ph.D.,  
RANDAL F. DICKEY.

**ADJOURNMENT**

At 1.44 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, June 15, 1945.

JOHN F. LEA, Minute Clerk

# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

NINETY-SIXTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-NINTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, June 15, 1945

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Carlene Bforklund of Turlock, and Mrs. Hugh P. Donnelly, wife of Senator Donnelly, and children Miss Rosemary Donnelly and Hugh P. Donnelly, Jr.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eddie Parkes of Los Angeles.

On request of Senators Mixter and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Hugh A. Pennebaker of Tulare County, and Mrs. Arthur A. Pennebaker.

## COMMUNICATIONS

The following communications were received and read and ordered printed in the Journal:

94 KEYSTONE WAY, SAN FRANCISCO 12, CALIFORNIA

June 13th, 1945

*Mr. J. A. Beek,  
Sacramento, California*

DEAR MR. BEEK: As Secretary of the Senate will you kindly extend to the members of that body the sincere thanks of myself and the members of my family for the very fine tribute they so kindly paid to our husband and father, Albert E. Boynton.

I have just received the beautifully bound resolution and it is a testimonial that I shall always cherish.

Sincerely yours,

MRS. ALBERT E. BOYNTON

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE  
LIBRARY AND COURTS BUILDING, SACRAMENTO 14, CALIFORNIA, June 11, 1945  
*Legislature of California,  
Fifty-sixth Session  
State Capitol  
Sacramento, California*

Attention: Honorable Joseph A. Beek,  
Secretary of the Senate  
Honorable Arthur A. Ohnimus,  
Chief Clerk of the Assembly

GENTLEMEN: Receipt is acknowledged of a copy of Senate Concurrent Resolution No. 52, recently passed by your Honorable Body and filed with the Secretary of State on June 5, 1945, as Chapter 112 of Resolutions.

Under this resolution the Attorney General is requested to take such action, including necessary litigation, as will protect the interests of the people of the State of California in the waters of Donner Lake, and is further requested to advise your Honorable Body during the present session of any legislation necessary to accomplish this purpose.

We have heretofore had occasion to commence an investigation into the factual and legal questions arising out of the storing of water in Donner Lake and the later removal of such water therefrom by certain Nevada interests. Such investigations are far from complete but have indicated the necessity of obtaining a great deal of factual data which has not yet been furnished by the various State agencies concerned.

You may rest assured that such studies will be continued, and in the event it appears that legal proceedings can be successfully undertaken to maintain the lake at a satisfactory level, such will be done.

Our investigation up to this time has not indicated any legislation which would be helpful in the premises. Should the completion of our studies render the enactment of legislation desirable, we will be happy to advise you of our suggestions at a later session of your Honorable Body.

Very respectfully yours,

ROBERT W. KENNY, Attorney General of the State of California

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 42  
Senate Bill No. 63  
Senate Bill No. 87  
Senate Bill No. 101  
Senate Bill No. 131  
Senate Bill No. 145  
Senate Bill No. 223  
Senate Bill No. 251  
Senate Bill No. 269  
Senate Bill No. 303  
Senate Bill No. 332  
Senate Bill No. 343  
Senate Bill No. 509  
Senate Bill No. 599  
Senate Bill No. 600  
Senate Bill No. 607  
Senate Bill No. 608  
Senate Bill No. 666  
Senate Bill No. 792  
Senate Bill No. 811

Senate Bill No. 812  
Senate Bill No. 813  
Senate Bill No. 835  
Senate Bill No. 973  
Senate Bill No. 974  
Senate Bill No. 975  
Senate Bill No. 980  
Senate Bill No. 991  
Senate Bill No. 1014  
Senate Bill No. 1026  
Senate Bill No. 1036  
Senate Bill No. 1068  
Senate Bill No. 1069  
Senate Bill No. 1078  
Senate Bill No. 1079  
Senate Bill No. 1087  
Senate Bill No. 1093  
Senate Bill No. 1101  
Senate Bill No. 1131  
Senate Bill No. 1151

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.



## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1173  
Senate Bill No. 1175  
Senate Bill No. 1191  
Senate Bill No. 1212  
Senate Bill No. 1214  
Senate Bill No. 1219  
Senate Bill No. 1272

Senate Bill No. 1280  
Senate Bill No. 1289  
Senate Bill No. 1290  
Senate Bill No. 1299  
Senate Bill No. 1300  
Senate Bill No. 1181

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 9  
Senate Bill No. 81  
Senate Bill No. 198  
Senate Bill No. 324  
Senate Bill No. 458  
Senate Bill No. 533  
Senate Bill No. 541  
Senate Bill No. 564  
Senate Bill No. 629  
Senate Bill No. 856

Senate Bill No. 1015  
Senate Bill No. 1092  
Senate Bill No. 1257  
Senate Bill No. 1295  
Senate Concurrent Resolution No. 19  
Senate Concurrent Resolution No. 23  
Senate Concurrent Resolution No. 24  
Senate Concurrent Resolution No. 27  
Senate Concurrent Resolution No. 51

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1566**--An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

And appointed Messrs. Miller, Davis, and Price as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 7th adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1765**--An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1023**--An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 57

Senate Joint Resolution No. 27

Senate Joint Resolution No. 26

Senate Joint Resolution No. 31

Senate Concurrent Resolution No. 67

Senate Joint Resolution No. 22

Senate Joint Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1027

Assembly Bill No. 1160

Assembly Bill No. 302

Assembly Bill No. 802

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 73

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 73**—Relative to the publication and distribution of a State Blue Book.

Referred to Committee on Rules.

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Salsman, Deuel, and Dorsey as a Senate Committee on Conference concerning Assembly Bill No. 1566 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 39**—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water;

**Senate Bill No. 193**—An act to add Section 4278.1 to the Political Code, relating to court reporters in counties of the forty-ninth class;

**Senate Bill No. 205**—An act to amend Section 9201 and to repeal Section 9202 of the Health and Safety Code, relating to the acquisition of non-perpetual care cemeteries by public cemetery districts;

**Senate Bill No. 257**—An act to amend Section 491 of the Fish and Game Code, relating to gaff and other such appliances;

**Senate Bill No. 283**—An act to amend Section 4006 of the Public Resources Code, relating to agreements of the State Forester with counties, municipalities or districts for fire protection;

**Senate Bill No. 284**—An act to amend Section 1 of an act entitled "An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services," approved May 18, 1929, relating to fire protection;

**Senate Bill No. 314**—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 337**—An act to amend Sections 255 and 257 of, and to add Section 255a to, the Health and Safety Code, relating to physically handicapped children;

**Senate Bill No. 376**—An act to amend Sections 1272, 1273 and 1274 of the Fish and Game Code, relating to deer;

**Senate Bill No. 383**—An act to amend Section 8826 of the Education Code, relating to the payment of tuition for junior college pupils;

**Senate Bill No. 441**—An act to amend Section 19484 of the Business and Professions Code, relating to fees for horse racing meetings;

**Senate Bill No. 545**—An act to amend Section 11860 of the Insurance Code, relating to audits of the State Compensation Insurance Fund;

**Senate Bill No. 576**—An act to amend Section 4013 of the Political Code by adding thereto a new officer to be known as the controller;

**Senate Bill No. 577**—An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582, and 26583 of the Health and Safety Code, relating to foods;

**Senate Bill No. 581**—An act to amend Sections 1, 2 and 9 of, and to add Sections 2a and 6a to, an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to canneries;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 582**—An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to mental health;

**Senate Bill No. 654**—An act to amend Section 103.6 of the Fish and Game Code, relating to District 103.6;

**Senate Bill No. 799**—An act to add Section 12½ to the City Carrier's Act, relating to the service of decisions and orders of the Railroad Commission;

**Senate Bill No. 909**—An act to amend Section 343 of the Agriculture Code, relating to brands and marks inspection;

**Senate Bill No. 828**—An act to amend Section 10605 of the Education Code, to amend the heading of Chapter 1 of Division 4 of said code and to add Article 3 to Chapter 1 of Division 4 of said code, all relating to agreements with agencies of the Federal Government affecting the public schools;

**Senate Bill No. 997**—An act to amend Section 13½ of the Highway Carriers' Act, relating to the service of decisions and orders of the Railroad Commission fixing rates of highway carriers;

**Senate Bill No. 1255**—An act to amend Sections 4852.06, 4852.12, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1945, at 3 p.m.

SEAWELL, Chairman

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 142

Assembly Bill No. 963

Assembly Bill No. 965

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1763

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

JUDAH, Vice Chairman

Above reported bill re-referred to Committee on Finance.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 815

Assembly Bill No. 1565

Assembly Bill No. 964

Assembly Bill No. 1605

Assembly Bill No. 966

Assembly Bill No. 1606

Assembly Bill No. 967

Assembly Bill No. 1940

Assembly Bill No. 969

Assembly Bill No. 2066

Assembly Bill No. 970

Assembly Bill No. 2135

Assembly Bill No. 1391

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 213

Assembly Bill No. 2038

Assembly Bill No. 1083

Assembly Bill No. 1235

Assembly Bill No. 1233

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JUDAH, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 685

Assembly Bill No. 1234

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JUDAH, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 1599

Assembly Bill No. 1630

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JUDAH, Vice Chairman

Above reported bills ordered to second reading.



SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1812

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

JUDAH, Vice Chairman

Above reported bills re-referred to Committee on Finance.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 142**—An act making an appropriation for the historical dioramas.

Bill read second time.

### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

#### Amendment No. 1

On page 1, line 3, of the printed bill, strike out "used," and insert "expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 963**—An act relating to the purchase of sites, construction of buildings, improvements of grounds and purchase of equipment for two State cerebral palsy schools, and making an appropriation therefor.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

#### Amendment No. 1

On page 1, line 14, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

#### Amendment No. 2

On page 2, line 7, of said bill, strike out "Board", and insert "Department".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 965**—An act making an appropriation to the State Department of Education for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

#### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

**Amendment No. 2**

On page 1, of the printed bill, as amended, following line 20, insert

"The State Department of Education is hereby authorized to enter into the contracts necessary to carry out the provisions of this act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1763**—An act to add Chapter 18, comprising Sections 9500 to 9597, inclusive, to Division 3 of the Business and Professional Code, and to repeal Sections 13313 to 13324, inclusive, 13600 to 13608, inclusive, 13610, 13612 to 13616, inclusive, 13650 to 13652, inclusive, 13654 to 13657, inclusive, 13675 to 13677, inclusive, of the Health and Safety Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 2, line 44, of the printed bill, strike out "of", and insert "or".

**Amendment No. 2**

On page 3, line 44, of the printed bill, strike out "worker,".

**Amendment No. 3**

On page 3, line 52, of the printed bill, after "commission", insert "nor shall this chapter apply to paid employees who have no proprietary interest in the place for which a license is required hereunder".

**Amendment No. 4**

On page 4, line 5, of the printed bill, strike out the period and insert "and confirmed by the Senate."

**Amendment No. 5**

On page 4, line 19, of the printed bill, strike out "9031", and insert "9531".

**Amendment No. 6**

On page 4, line 36, of the printed bill, strike out "vest", and insert "vested".

**Amendment No. 7**

On page 5, line 1, of the printed bill, strike out "engaged".

**Amendment No. 8**

On page 6, line 18, of said bill, strike out ", in and".

**Amendment No. 9**

On page 6, line 42, of said bill, insert

"9555. Persons serving in the armed forces of the United States or any of the United Nations on the effective date of this chapter shall be issued a certificate of registration under this chapter by the payment of the registration fee without examination if they register within a period of twelve (12) months from the time such person is discharged, other than dishonorably, from such service, or is retired, or relieved from active duty, whichever occurs first."

**Amendment No. 10**

On page 7, line 4, of said bill, strike out "reasonable", and insert "thirty day".

**Amendment No. 11**

On page 7, line 6, of said bill, after "gation," insert "and for publication in a newspaper of general circulation for the information of the public".

**Amendment No. 12**

On page 7, line 11, of said bill, after "may", insert "be".

**Amendment No. 13**

On page 9, line 5, of said bill, strike out "solicitor,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 213**—An act to amend Sections 5514, 5518, 5550, 5551, 5554, 5560, 5561, 5573, 5580, 5600, and 5604 of, to add Sections 5502, 5557 and 5561.5 to, and to repeal Sections 5513, 5519, 5552, 5553, 5556, and 5572 of the Business and Professions Code, relating to architecture.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1083**—An act to repeal Section 114 of and to add Section 114 to the Business and Professions Code, relating to the renewal of licenses, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1233**—An act to amend Section 158 of the Business and Professions Code, relating to refunds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2038**—An act to amend Section 7048 of the Business and Professions Code, relating to contractors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1235**—An act to amend Sections 2736 and 2811 of the Business and Professions Code, relating to the practice of professional nursing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1599**—An act to amend Sections 6703, 6731, 6733, and 6787 of, and to add Section 6731.5 to, the Business and Professions Code, relating to the practice of civil engineering.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out “, AND TO ADD SECTION 6731.5 TO,”.

##### Amendment No. 2

On page 2 of the printed bill, strike out lines 12 to 24, inclusive.

##### Amendment No. 3

On page 2, line 32, of the printed bill, strike out “4”, and insert “3”.

##### Amendment No. 4

On page 3, line 4, of the printed bill, strike out “5”, and insert “4”.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1630**—An act to add Section 19061.5 to the Business and Professions Code, and to repeal Sections 19062, 19063, 19064, 19065 of said code relating to furniture and bedding licenses.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

**PRINTER'S NOTE**—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, after "act to", insert "amend Sections 19008 and 19153 of and to".

#### Amendment No. 2

In line 3 of the title of said bill, after "to", insert "upholstered".

#### Amendment No. 3

On page 1, line 1, of said bill, strike out "19061.5 is added to", and insert "19008 of".

#### Amendment No. 4

On page 1, line 2, of said bill, strike out "and reads:", and insert "is amended to read:

19008. "Secondhand" means any material or article of which prior use has been made, and includes shoddy made of either new or used defabricated material, thread, yarn, [or dyed or striped fibers,] and sweepings not otherwise classed as new in this chapter.

Any article of upholstered furniture or bedding is secondhand if it contains any secondhand material in whole or in part.

Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is secondhand furniture or bedding.

SEC. 2. Section 19153 of said code is amended to read:

19153. Whenever the words ["felt"] "*batt*" or "*batting*" [is] are used in any statement required by this chapter the materials designated thereby shall be in layers as processed by [felting] *garnetting or carding* machines, and the statement shall indicate whether the [felt] *batt* is a [Felted] staple cotton *batt*" or a [Felted] cotton linters *batt*" or, if any other material is [felted] *in batt form*, its name shall be indicated. [Felt] *Batting* mixtures shall state the percentages of each kind of material used in the [felt] *batt*.

SEC. 3. Section 19061.5 is added to said code, to read:"

#### Amendment No. 5

On page 1, line 9, of said bill, strike out "2.", and insert "4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 685**—An act to repeal Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of the certificate of certified public accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1234**—An act to amend Sections 106, 154 and 155 of, to add Section 23.6 to, and to repeal Sections 103, 104, 105 and 156 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 964**—An act providing for the maintenance and operation of State cerebral palsy schools, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 966**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 967**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 969**—An act making an appropriation for repairs and improvements to Sea Cliff Beach, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 970**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1391**—An act to amend Sections 21, 51, 53, 56, 57, 60, 72, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 554, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1460, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332 of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Section 11881 to the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5, to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1565**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1605**—An act making an appropriation to the revolving fund for State purchases, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1606**—An act making an appropriation to the Department of Finance for administrative expenses incurred in procuring surplus war property, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1940**—An act making an appropriation for expenses in connection with the Western Governors' Conference.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2066**—An act to amend Section 1009 of the Welfare and Institutions Code, relating to transportation of nonresident persons committed to the Youth Authority or confined in institutions subject to its jurisdiction to the States of their residence, providing for the disposition of moneys received for such transportation, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2135**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

Bill read second time, and ordered to third reading.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Concurrent Resolution No. 68**—Relative to creating an Interim Committee on Remodeling the State Capitol.

Resolution read.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

##### Amendment No. 1

On page 2, line 36, of the printed bill, strike out "five hundred dollars (\$500)", and insert "fifteen hundred dollars (\$1500)."

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Senate Joint Resolution No. 30**—Relative to requesting the President and Congress to obtain from the office of Navy Intelligence, the office of Army Intelligence and the Federal Bureau of Investigation reports on all Japanese aliens and American citizens of Japanese ancestry released or to be released to the West Coast, and to make such reports available as a public document.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 1 to 8, inclusive.

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 12 to 14 inclusive and insert

"WHEREAS, Japanese-Americans and Japanese aliens are now being released, thus enabling them to work in war plants and on wharves and docks; and".

**Amendment No. 3**

On page 2, line 30, of the printed bill, after "Investigation", strike out "reports", and insert "all pertinent and dependable information available".

**Amendment No. 4**

On page 2 of the printed bill, strike out lines 32 to 34 inclusive and insert "to the West Coast, and, on request, to make such information available to the several Governors, Attorney Generals and District Attorneys throughout the West Coast area; and be it further".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1007**—An act to add Section 8827 to the Education Code, relating to the Public School System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1483**—An act to add Article 8.5 to Chapter 2 of Division 6 of the Education Code, relating to the distribution of State printed textbooks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 328**—An act to add Division 7, consisting of Sections 1450 to 1454, inclusive, to the Fish and Game Code, relating to the killing or injuring of a human being through the improper use of firearms while hunting, and prescribing punishments and penalties therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 697**—An act to amend Sections 20013, 20014, 20600, 20603, 20604, 20750, 20950, and 21256 of, and to add Sections 20017.5, 20602.5, 20602.6, 20803.5, 20980.5, 21020.5, and 21208 to, the Government Code, relating to the State Employees Retirement System, in respect to the fish and game wardens and personnel.

Bill read second time.

**Motion to Amend**

Senator Gordon moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "20603,".

**Amendment No. 2**

In the title of said bill, strike out lines 2 and 3 and insert "20750 and 20950 of, and to add Sections 20017.5, 20602.5, 20602.6, 20603.1, 20803.5, 20980.5, 21020.5, 21208, 21256.1, and 21257.1 to,".

**Amendment No. 3**

On page 3, line 8, of said bill, strike out "1946," and insert "1945,".

**Amendment No. 4**

On page 3 of said bill, strike out lines 15 and 16 and insert "SEC. 8. Section 20603.1 is added to said code, to read: 20603.1. For each warden member who became a".

**Amendment No. 5**

On page 3, line 18, of said bill, strike out "patrol or".

**Amendment No. 6**

On page 3, line 21, of said bill, strike out "highway patrol or".

**Amendment No. 7**

On page 4, line 6, of said bill, strike out "3 75/100", and insert "7.2".

**Amendment No. 8**

On page 4, line 8, of said bill, strike out "13 40/100", and insert "16.53".

**Amendment No. 9**

On page 4, line 10, of said bill, strike out "12 28 100 Per", and insert "12.28 per".

**Amendment No. 10**

On page 4 of said bill, strike out lines 18 and 19, and insert "SEC. 15. Section 21256.1 is added to said code, to read: 21256.1. The prior service pension for a warden".

**Amendment No. 11**

On page 1, line 21, of said bill, strike out "patrol or".

**Amendment No. 12**

On page 4, line 24, of said bill, strike out "patrol or".

**Amendment No. 13**

On page 4 of said bill, strike out lines 30 to 35, inclusive, and insert "retirement with less than 20 years of service at age 65, for each year of warden service after January 1, 1932, or".

**Amendment No. 14**

On page 4 of said bill, after line 38, insert "SEC. 16. Section 21257.1 is added to said code, to read: 21257.1. If a warden member retires from service before attaining age 60, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 60 will purchase at the actual age of retirement."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1365**—An act to add Section 1184 to the Fish and Game Code, relating to the training of hunting dogs and holding of field trials.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1366**—An act to add Section 1171.1 to the Fish and Game Code, relating to the training of hunting dogs on native game birds.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 842**—An act making an appropriation relating to the salaries of judges of the superior courts to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, before "Out", insert "SECTION 1."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1142**—An act to provide for the construction of a road in Marin County and, including its incorporation into the State Highway System, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 1, of the printed bill, as amended, strike out "Within twelve months after", and insert "After".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "the act", and insert "this act".

**Amendment No. 3**

On page 1, line 4, of said bill, after "construct", insert ", in accordance with the procedure herein specified,".

**Amendment No. 4**

On page 1 of said bill, between lines 10 and 11, insert "In the construction of said highway the Department of Public Works is directed to follow the following procedure:

(1) Immediately after the execution and approval of said contract the department shall commence the preparation of surveys for said highway and shall submit a survey, or surveys, thereof to the Board of Directors of the Golden Gate Bridge and Highway District within six (6) months after such execution and approval.

(2) On approval of the survey, or one of the surveys by said board the department shall immediately commence the preparation of plans and specifications for the construction of said highway and within six (6) months thereafter shall submit the same to said board for approval.

(3) Immediately after approval of the plans and specifications by said board the department shall commence the acquisition of right of way for said State highway. If the acquisition of right of way is not completed within six (6) months thereafter the department shall then report to the district on the status of right of way acquisition and with the approval of the district shall immediately file eminent domain proceedings and take possession of and clear the right of way for construction, and advertise for bids for the construction of said highway, in accordance with the approved plans and specifications.

(4) On receipt of bids the department shall notify said board and on its concurrence in the award of a contract, or contracts, shall award the contract or contracts and proceed with such construction.

The department is instructed and directed to proceed in all things connected with the surveys, plans, acquisition of right of way for, and construction of said highway with all possible diligence."

**Amendment No. 5**

On page 1, line 11, of said bill, after the comma insert "executed on behalf of the State of California by the Director of Finance and".

**Amendment No. 6**

On page 1, line 12, of said bill, strike out "and the Director of Finance".

**Amendment No. 7**

On page 1 of the printed bill, as amended, strike out line 14 and insert "to the State of California the sum herein specified, together with interest thereon at such rate as may be provided in said contract not in excess of 2 per cent per annum, out of the".

**Amendment No. 8**

On page 2, lines 3 and 4, of said bill, strike out "State Treasury not otherwise appropriated", and insert "Bond Sinking Fund of 1943 in the State Treasury".

**Amendment No. 9**

On page 2, line 5, of said bill, after the period insert "When the sum hereby appropriated is repaid to the State of California as provided in this section, such sum shall be deposited in the Bond Sinking Fund of 1943 and the interest paid thereon shall be paid into the General Fund."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2220**—An act to authorize the Youth Authority to sell and convey certain real property in the County of Los Angeles, known as the citrus grove at Fred C. Nelles School, Whittier, California, and appropriating the proceeds for the purchase of a new site for said school.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 8, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 465**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land at Newport Beach, Orange County, as part of the State Park System.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2099**—An act to amend Sections 18622, 18626, 18632, 18633, 18634, 18672, 18676, 18680, 18710, 18712, 18738.5, 18739, 18742, 18746, 18747, 18748, 18761 and 18762 of, and to add Section 18783 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2140**—An act making an appropriation for the establishment of fish hatcheries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2230**—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1573**—An act to amend Section 772 of the Probate Code, relating to notice of sales of personal property generally.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "sold", insert "at either public or private sale".

**Amendment No. 2**

On page 1, line 6, of the printed bill, strike out "at the courthouse".

**Amendment No. 3**

On page 1, line 12, of said bill, after "no", insert "public".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1788**—An act to amend Section 958 of the Code of Civil Procedure, relating to the court records in the superior court.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1946**—An act to amend Sections 689a and 689b of the Code of Civil Procedure, relating to third party claims.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1344**—An act to add Section 1873 to the Code of Civil Procedure, relating to blood grouping tests.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1169**—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2047**—An act to add Section 320d to the Civil Code, relating to articles of incorporation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2048**—An act to add Sections 361c and 362e to the Civil Code, relating to the reorganization of corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 881**—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, in line 9, of the printed bill, as amended, strike out "assembly district", and insert "senatorial district and two delegates from each congressional district".

**Amendment No. 2**

On page 3, line 3, of said bill, after "than", insert "250,000".

**Amendment No. 3**

On page 4 of said bill, strike out lines 1 to 3, inclusive.

**Amendment No. 4**

On page 4, line 4, of said bill, strike out "(d)", and insert "(c)".

Amendments read and adopted.

Bill ordered printed.

**Motion to Re-refer Assembly Bill No. 881**

Senator Keating moved that Assembly Bill No. 881 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 1838**—An act to amend Sections 226 and 227 of the Civil Code, relating to adoption proceedings.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 4 and 5, and insert "prior to filing the report with the court."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2162**—An act to add Section 273d to the Penal Code, relating to wilful corporal injury to wife or child.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2227**—An act to amend Section 1204 of the Code of Civil Procedure, relating to claims and liens for labor.

Bill read second time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 16, of the printed bill, strike out "perfected statutory".

**Amendment No. 2**

On page 1, line 16, of said bill, following "liens" insert "as between creditors of the debtor".

**Amendment No. 3**

On page 2, line 12, of said bill, strike out "perfected statutory", and insert "such".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1387**—An act to amend Sections 3950, 3951, 3952, 3960, 3964, and 3968, and to repeal Section 3965 of the Revenue and Taxation Code, relating to actions by purchasers or holders of tax-deeded property to determine adverse claims to or clouds upon that property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2120**—An act to add Section 16055 to the Government Code, relating to claims for the taking of property.

Bill read second time.



## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

## Amendment No. 1

On page 2, line 20, of the printed bill, as amended, strike out "article", and insert "chapter".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 927**—An act to amend Section 227 of, and to add Section 224.1 to, the Civil Code, relating to adoption.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

## Amendment No. 1

In line 1 of the printed bill, as amended, strike out ", and to add Section 244.1 to,".

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 24, inclusive.

## Amendment No. 3

On page 2 of said bill, strike out line 1, and insert "SECTION 1. Section 227 of the Civil Code is amended to read:".

## Amendment No. 4

On page 2, lines 23 and 24, of said bill, strike out "by such counsel for such absent party, or may be executed".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2057**—An act to provide for the relief of hardship and destitution, providing for the administration of such relief by the counties under the supervision of the State Department of Social Welfare, providing for the financing of such relief, and specifying the powers, duties, rights and liabilities of the counties and of the State Department of Social Welfare in relation thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 832**—An act to amend Section 118 and to repeal Section 118.1 of the Welfare and Institutions Code, relating to public assistance, providing for the custody and use of information, records, and other papers concerning applicants and recipients and for the adoption of rules governing the disclosure of such information and papers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2206**—An act to add Section 7.7 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 986**—An act to add Section 104.6 to the Welfare and Institutions Code, relating to public assistance, and requiring prompt county compliance with the awards of the State Social Welfare Board.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "104.6 to", insert "and to amend Section 2224 of".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "and".

**Amendment No. 3**

In line 4 of the title of said bill, strike out the period and insert "; and modifying the procedures in connection with relatives' responsibility to contribute to the support of recipients of aid to the aged."

**Amendment No. 4**

On page 1 of said bill, after line 12, insert

"SEC. 2. Section 2224 of said code is amended to read:

2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative as a sworn statement.

Upon the request of the board of supervisors, the spouse or adult child shall file such sworn statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child.

If the person receiving aid has within the State, a spouse or adult child *found by the board of supervisors* pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. *If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county.* Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

The granting of or continued receipt of aid shall not be contingent upon such recovery."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1642**—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of the Department of Social Welfare.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 1, lines 5 and 6, of the printed bill, strike out "ten thousand dollars (\$10,000)", and insert "seven thousand, five hundred dollars (\$7,500)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 918**—An act to amend Sections 10492, 10493, 10494, 10498.5, 10500, 10501, 10971, 10971.4, and 10972 of, to add Section 10498.6 to, and to repeal Section 10241 of the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 4 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 10490.1 and".

**Amendment No. 2**

On page 1, line 2, of said bill, insert

"SECTION 1.5. Section 10490.1 is added to said code, to read:

10490.1. Any nonprofit incorporated or unincorporated mutual benefit association in existence prior to January 1, 1945, which confines its membership to officers and employees of a common employer or group of affiliated or related employers including persons who were such officers or employees at the time of becoming members and which pays death benefits only to nominees or the estates of deceased members, is exempt from the provisions of this code relating to such life and disability insurance in respect to such members."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 35**—An act to amend Section 1648.3, of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 938**—An act to amend Section 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to license fees of credit unions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1127**—An act to amend Section 6103 of the Government Code, relating to fees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1128**—An act to amend Section 11007 of the Government Code, relating to insurance of the property of the State Compensation Insurance Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1782**—An act to amend Section 4.5 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 609**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a roster of public officials of California and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 928**—An act to amend Sections 224, 226, 227a, and 227aa of the Civil Code, and to add Sections 224p, 224q, and 227aaa thereto, relating to the adoption of children, modifying the procedures therefor, authorizing the disclosure of information relating thereto in certain cases, and penalizing placement of children for adoption by unlicensed persons and advertising such placement by unlicensed persons.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 8, of the printed bill, as amended, strike out "or by final order"; and strike out line 9 and insert a period.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2211**—An act to add Chapter 3 comprising Sections 1425 to 1430, inclusive, to Division 2 of the Health and Safety Code, relating to emergency services for persons injured in accidents.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2049**—An act to repeal all of the provisions of the California War Powers Act, Division 7 of the Military and Veterans Code, except Sections 1570, 1571, 1591 and 1595 to 1598 thereof, providing for the winding up of certain of the affairs of the California State War Council and its director, and transferring to the State Department of Finance those functions of the council and its director which are not hereby terminated.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

On page 1 of the printed bill, strike out the title, and insert

"An act making an appropriation for support of the California State War Council, to take effect immediately."

##### Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 22, inclusive, and insert

"SECTION 1. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of twenty thousand dollars (\$20,000) for support of the California State War Council during the months of July, August, and September of 1945.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1, of Article IV of the Constitution of the State of California, take effect immediately."

##### Amendment No. 3

On page 2 of the printed bill, strike out lines 1 to 20, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.



## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1547**—An act to amend Sections 1, 2, 5, 6, 6.5, 6.6, 16, 18, 19, 22a, 22b, 23, 23c, 23d, 26, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 60, 67.1, 67.5 of the Alcoholic Beverage Control Act, and to add thereto Section 38g, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read third time.

## Motion to Amend

Senator Burns moved the adoption of the following amendments:

## Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "Act", strike out ", and to add".

## Amendment No. 2

In line 4 of the title of the printed bill, as amended strike out "thereto Section 38g."

## Amendment No. 3

On page 16 of the printed bill, as amended, strike out lines 20 to 28, inclusive.

Amendments read and adopted.

## Further Amendments to Assembly Bill No. 1547

## Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

## Amendment No. 1

On page 6 of the printed bill, between lines 9 and 10, insert

"24. Wine bottling or packaging license, \$10.00 per year".

## Amendment No. 2

On page 8 of the printed bill, between lines 15 and 16, insert

"(e) Wine bottling or packaging licenses authorizes the labeling, bottling or packaging of the alcoholic beverages specified in the license in accordance with and subject to the rules and regulations now in effect or as may hereafter be adopted by the State Department of Public Health of the State of California."

Amendments read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO SET SPECIAL ORDER

Senator Quinn moved that Senate Bill No. 407 be made a special order of business for Friday, June 15, 1945, at 3 p.m.

Motion carried.

## UNFINISHED BUSINESS

**Senate Bill No. 419**—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately.

## CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 419 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilinger, Dilworth, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Quinn, Salsman, Slater, Tenney, Ward, and Weybret—22.

## Consideration of Assembly Amendments

**Senate Bill No. 68**—An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 68?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 7 and 8, and insert "board, but in no case shall the total purchase price thereof exceed ten thou-".

**Amendment No. 2**

On page 1, line 11, of said bill, strike out "not to exceed two"; and strike out lines 12 and 13, and insert "the difference between the purchase price of the farm and the cost of the farm to the board, but in no case shall the total purchase price thereof exceed".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 68 by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—31.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 1024**—An act to amend Sections 105, 106, 113, 116, 123, 124, and 126 of the Vehicle Code, and to repeal Sections 110 and 112 thereof, relating to the organization of the Department of Motor Vehicles.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1024?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "105," insert "106,".

**Amendment No. 2**

In line 2 of the title of the printed bill, as amended, after the comma, insert "and to repeal Sections 110 and 112 thereof,".

**Amendment No. 3**

On page 1 of the printed bill, as amended, after line 15, insert

"SEC. 2. Section 106 of said code is amended to read:

106. Director to appoint subordinates. The director may appoint and, with the approval of the Department of Finance, fix the salaries of:

(a) A deputy director and

(b) Such other officers, deputies, technical experts and employees as may be necessary for the proper discharge of the duties of the department."

**Amendment No. 4**

On page 2, line 2, of the printed bill, as amended, strike out "2", and insert "3".

**Amendment No. 5**

On page 2, line 6, of the printed bill, as amended, after "investigators", insert "appointed to the California Highway Patrol".

**Amendment No. 6**

On page 2, line 8, of the printed bill, as amended, strike out "3", and insert "4"; in line 13, strike out "4", and insert "5"; in line 27, strike out "5", and insert "6"; in line 33, strike out "6", and insert "7".

**Amendment No. 7**

On page 2 of the printed bill, as amended, after line 50, insert "SEC. 8. Sections 110 and 112 of said code are repealed."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1024 by the following vote:

AYES—None.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.

#### Consideration of Assembly Amendments

**Senate Bill No. 1236**—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1236?

#### Amendment No. 1

On page 3 of the printed bill, strike out lines 3 to 7, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1236 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—Senator Desmond—1.

Above bill ordered enrolled.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

BROWN  
PARKMAN  
MAYO

Senate Committee on Conference

CLARK  
KING  
STEPHENSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Ward, and Weybret—31.

NOES—None.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated June 13, 1945, appointing

BYRON H. ATKINSON, as Member of State Board of Education, vice Robert Dulin;

MRS. MARGARET H. STRONG, as Member, State Board of Education, vice James M. Tadlock;

CORNELIUS J. HAGGERTY, as Member, State Board of Education, vice Edward Cummings;

FRED W. SMITH, as Member, State Board of Education, vice self;

WILLIAM L. BLAIR, as Member, State Board of Education, vice self;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

### Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Byron H. Atkinson, Mrs. Margaret H. Strong, Cornelius J. Haggerty, Fred W. Smith, and William L. Blair as members of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Byron H. Atkinson, Mrs. Margaret H. Strong, Cornelius J. Haggerty, Fred W. Smith, and William L. Blair?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Byron H. Atkinson, Mrs. Margaret H. Strong, Cornelius J. Haggerty, Fred W. Smith, and William L. Blair as members of the State Board of Education.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, California, June 14, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message of the Governor, dated June 13, 1945, appointing:

A. T. RICHARDSON, as Member of the Board of Trustees of Pacific Colony, vice self;

DONALD P. NICHOLS, as Member of the Board of Trustees of Pacific Colony, vice self;

MRS. RUSSELL K. PITZER, as Member of Board of Trustees of Pacific Colony, vice self;

CLAYTON HOWLAND, as Member of the Board of Trustees, of Pacific Colony, vice self;

RAYMOND E. SMITH, as Member of Board of Trustees, of Pacific Colony, vice Fred King;

DOCTOR GLENN MYERS, as Member of Board of Trustees, Norwalk State Hospital, vice self;

DOCTOR ARTHUR R. TIMME, as Member of Board of Trustees, Norwalk State Hospital, vice self;

DOCTOR ARLIEN JOHNSON, as Member of the Board of Trustees of Norwalk State Hospital, vice Alfred D. Boone;

CARLEY V. PORTER, as Member of the Board of Trustees of Norwalk State Hospital, vice self;

G. D. SNIDER, as Member of the Board of Trustees of Patton State Hospital, vice self;

JAY DEWEY HARNISH, as Member of the Board of Trustees of Patton State Hospital, vice self;



HOWARD H. HAYS, as Member of the Board of Trustees of Patton State Hospital, vice Dr. S. B. Richards;

DOCTOR E. L. TISINGER, as Member of the Board of Trustees of Patton State Hospital, vice Dr. Ross Moore;

MRS. GLADYS WASSNER, as Member of the Board of Trustees of Patton State Hospital, vice P. J. Cormack;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; Committee vote: Ayes 5.

SEAWELL, Chairman

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of A. T. Richardson, Donald P. Nichols, Mrs. Russell K. Pitzer, Clayton Howland, and Raymond E. Smith as members of the Board of Trustees, of Pacific Colony.

The President put the question, "Will the Senate confirm and consent to the appointment of A. T. Richardson, Donald P. Nichols, Mrs. Russell K. Pitzer, Clayton Howland, and Raymond E. Smith?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

##### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of A. T. Richardson, Donald P. Nichols, Mrs. Russell K. Pitzer, Clayton Howland, and Raymond E. Smith as members of the Board of Trustees of Pacific Colony.

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Dr. Glenn Myers, Dr. Arthur R. Timme, Dr. Arlien Johnson, and Carley V. Porter as members of the Board of Trustees, of Norwalk State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Dr. Glenn Myers, Dr. Arthur R. Timme, Dr. Arlien Johnson, and Carley V. Porter?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

##### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Dr. Glenn Myers, Dr. Arthur Timme, Dr. Arlien Johnson, and Carley V. Porter as members of the Board of Trustees, of Norwalk State Hospital.

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion Confirming Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of G. D. Snider, Jay Dewey Harnish, Howard H. Hays, Dr. E. L. Tisinger, and Mrs. Gladys Wassner as members of the Board of Trustees, of Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of G. D. Snider, Jay Dewey Harnish, Howard H. Hays, Dr. E. L. Tisinger, and Mrs. Gladys Wassner?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of G. D. Snider, Jay Dewey Harnish, Howard H. Hays, Dr. E. L. Tisinger, and Mrs. Gladys Wassner as members of the Board of Trustees, of Patton State Hospital.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Collier, Keating, and Parkman as a Senate Committee on Conference concerning Senate Bill No. 1024 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

Chief Assistant Secretary Cleve V. Taylor at the Desk

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Joint Resolution No. 32**—Relative to memorializing the Congress of the United States to investigate through its appropriate committee the proposed construction by the War Department of an ammunition loading facility in the County of Marin and to demand of the War Department that activities in connection with the said proposal be discontinued pending such investigation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 412**—An act to amend Section 18901 of the Government Code, relating to eligible lists.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "lists of eligibles", and insert "open and promotional eligible lists".

**Amendment No. 2**

On page 1, line 15, of said bill, strike out "first", and insert "prior".

**Amendment No. 3**

On page 2, line 3, of said bill, strike out "automatically expire at a date", and insert "expire".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RECESS**

At 12.27 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1047**—An act to amend Sections 9000, 9030, 9031, 9034, 9126, 9130, 9136, 9164, 9200, 9201, 9203, 9205, 9206, 9216, 9218, 9221 and 9354 of, and to add Section 9264.5 to, and to repeal Section 9204 of, the Public Resources Code, and to repeal Section 10058 of the Elections Code, relating to soil conservation, including but not limited to soil conservation districts.

Bill read third time, and presented by Senator Salsman.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time, 2.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 41**—Relating to the problem of the care, training and education of the blind;

**Senate Joint Resolution No. 20**—Relative to endorsing and urging the passage of H.R. 2081, to permit the use of live decoys in the taking of ducks;

**Senate Joint Resolution No. 23**—Relative to memorializing the President and Congress of the United States and the Surgeon Generals of the United States Army and Navy to consider the advisability of, and the special advantages to be derived from, establishing one or more military hospitals in mineral spring areas of California, and urging that affirmative action be taken in regard thereto;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fifteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 28**—Relative to commemorating members and volunteers of war price and rationing boards;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fifteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 18**—An act to amend Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors;

**Senate Bill No. 134**—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "Juvenile Halls";

**Senate Bill No. 323**—An act to amend Section 12107 of, and to add a new Section 12107.5 to, the Business and Professions Code, relating to tares;

**Senate Bill No. 325**—An act to amend Sections 12703, 12704 and 12705 of, the Business and Professions Code, relating to public weighmasters;

**Senate Bill No. 434**—An act to add Sections 16.5, 17.1, and 40.5 to the County Employees Retirement Act of 1937, relating to County Employees' Retirement Systems; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 432**—An act to amend Section 20 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, by amending subsection (b) thereof and adding subsection (c) thereto relating to the power of water conservation districts to enter into cooperative contracts and agreements with municipalities, water districts of all types and kinds, counties, cities and counties, the State of California, or the Government of the United States for the acquisition and or construction and/or disposal of works, water, water rights or water storage facilities authorized to be acquired and or constructed and/or disposed of by the terms of said act, and prescribing certain provisions to be incorporated in such contracts;

**Senate Bill No. 524**—An act to amend Sections 11610, 11612, 11614, 11619, 11622 and to repeal Sections 11620 and 11621 of the Health and Safety Code, relating to the unlawful transportation, keeping, depositing, concealment and possession of narcotics in vehicles;

**Senate Bill No. 633**—An act to add Section 82.5 to the State Civil Service Act, and to add Section 18954 to the Government Code, relating to promotional examinations for members of the California Highway Patrol;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 655**—An act to amend Section 103.5 of the Fish and Game Code, relating to District 103.5;

**Senate Bill No. 751**—An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 433**—An act to amend Section 35 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, relating to calling of elections in water conservation districts to submit to the qualified electors thereof whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of said act, prescribing a notice of said election, specifying the matters to be submitted to said electors and the vote necessary to authorize said assessment, providing said assessment may be levied in two, three, four or not to exceed 40 annual installments, and prescribing the purposes for which said assessment must be used;

**Senate Bill No. 478**—An act to renumber and amend Section 10202, to amend Sections 10026, 10029, 10030, 10031, 10251, 10276, and 10579, and to add Section 10553 to, and to repeal Sections 10025, 10027, and 10028 of, the Health and Safety Code relating to certified copies of birth and death certificates and the administration of the law relating to vital statistics;

**Senate Bill No. 578**—An act to add Section 116 to the Health and Safety Code, relating to the acceptance of gifts by the Director of Public Health;

**Senate Bill No. 764**—An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of special districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 935**—An act to amend Section 4475 of, and to add Chapter 6 of Division 20, comprising Sections 25000 to 25009 to, the Health and Safety Code, relating to sewage and septic tanks, cesspools and seepage pits;

**Senate Bill No. 999**—An act to add Section 72.5 to the State Civil Service Act and Section 18025 to the Government Code, relating to holidays;

**Senate Bill No. 1052**—An act to add Chapter 3 consisting of Section 175 to Part 1, Division 1, Revenue and Taxation Code, relating to real property taxation;

**Senate Bill No. 1171**—An act to add Chapter 8, comprising Sections 4871 to 4878 inclusive, to Division 4 of the Public Resources Code, relating to the protection and improvement of range and forage lands and providing for controlled land clearance and revegetation thereof;

**Senate Bill No. 1265**—An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled "An act to legalize the name of Lake Bigler," approved February 10, 1870.

**Senate Bill No. 1266**—An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea lions;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 67**—An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans;

**Senate Bill No. 291**—An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole;

**Senate Bill No. 345**—An act to amend the Building and Loan Association Act by amending Section 2.04 thereof, relating to approval of articles of incorporation, Section 2.07 thereof, relating to branches, Section 3.02 thereof, relating to withdrawable shares, Section 3.03 thereof, relating to maturity of shares, Section 5.01 thereof, relating to investment certificates, Section 8.09 thereof, relating to regulation of interest and dividends and to notice of transfer or encumbrance, Section 8.10 thereof, relating to rate of return on shares and investment certificates, and Section 13.20 thereof added by an act approved May 28, 1943, and by repealing Section 8.09a and Section 13.20, as added by Chapter 431 of the Statutes of 1933;

**Senate Bill No. 516**—An act to amend Sections 5024, 5374, 5391, 5395, 5710 and 5838 of, and to add Sections 5244.1 and 5828.1 to the Streets and Highways Code, relating to special assessment proceedings, including incidental expenses, costs in connection with securing sanitary sewer rights of way, delivery of warrants, collection of assessments, compensation of superintendents of construction, and notices; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 517**—An act amending Sections 2824, 2825, 2851, 2883, 2950, 2983, 2984, and 2985 of the Streets and Highways Code, relating to special assessment proceedings, including notices, taxation assessment rolls, and allowable changes in proposed acquisitions or improvements;

**Senate Bill No. 590**—An act to amend Sections 26331, 26336, 26337, 26340, 26342, 26362, and 26363 of the Health and Safety Code, relating to drugs and devices;

**Senate Bill No. 662**—An act to repeal Sections 20394.1, 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code; to amend Sections 20393, 20394, and 20394.2 and to add Section 20394.12 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service;

**Senate Bill No. 875**—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal;

**Senate Bill No. 1226**—An act to amend Section 212 of the Agricultural Code, relating to importation of animals;

**Senate Bill No. 1273**—An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 32

And reports the same correctly engrossed.

SEAWELL, Chairman

#### Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1868

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 134

Assembly Bill No. 1290

Assembly Bill No. 1129

Assembly Bill No. 1885

Assembly Bill No. 378

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bills ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1579

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2207

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1531

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2170

Assembly Bill No. 791

Assembly Bill No. 1915

Assembly Bill No. 2202

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 55

Assembly Bill No. 960

Assembly Bill No. 188

Assembly Bill No. 961

Assembly Bill No. 190

Assembly Bill No. 985

Assembly Bill No. 252

Assembly Bill No. 1037

Assembly Bill No. 380

Assembly Bill No. 1038

Assembly Bill No. 440

Assembly Bill No. 1049

Assembly Bill No. 845

Assembly Bill No. 1086

Assembly Bill No. 896

Assembly Bill No. 1190

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1191	Assembly Bill No. 1495
Assembly Bill No. 1197	Assembly Bill No. 1811
Assembly Bill No. 1252	Assembly Bill No. 1823
Assembly Bill No. 1278	Assembly Bill No. 2208
Assembly Bill No. 1376	Assembly Bill No. 2232

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Governmental Efficiency

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2009

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 613	Assembly Bill No. 2190
Assembly Bill No. 1523	Assembly Bill No. 2195

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 3.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 79  
Assembly Bill No. 221  
Assembly Bill No. 1810

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 739  
Assembly Bill No. 1182

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 3.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Social Welfare

## SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 2199

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.



## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 123

Senate Resolution No. 136

Senate Resolution No. 127

Senate Resolution No. 142

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 131

Senate Resolution No. 147

Senate Resolution No. 121

Senate Resolution No. 148

Senate Resolution No. 129

Senate Resolution No. 144

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 55**—An act to add Section 5 to an act entitled "An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach," approved June 8, 1943, relating to the availability of said appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 188**—An act to amend Sections 3420, 3472, and 3480 of the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 190**—An act to amend Sections 3025, 3084, and 3087.1 of the Welfare and Institutions Code, relating to aid to the needy blind, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 252**—An act to add Section 19622.5 to the Business and Professions Code, and Section 73.5 to the Agricultural Code, relating to junior agriculture fairs, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 380**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 440**—An act making an appropriation for the repair, restoration and protection of the ocean beach at the City of Redondo Beach and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 845**—An act making an appropriation for the investigation, control and eradication of Omphalia root rot.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 896**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Manufacturing Fund, making an appropriation, and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 960**—An act to add Chapter 16 to Division 2 of the Education Code, relating to the reorganization of school districts, including formation, government, support, control, functions, maintenance and administration of unified school districts, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 961**—An act making an appropriation for the support of the Department of Education, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 985**—An act to amend Sections 20602, 20603, 20750, 21252, 21256, and 21257 of the Government Code, and to add Sections 20602.1 and 21252.1 thereto, relating to the State Employees' Retirement System, and changing the rates of contribution thereto and the benefits payable therefrom in respect to members of the California Highway Patrol and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1037**—An act to provide for the repair, restoration and maintenance of the Jenner Jetty on the Russian River, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1038**—An act to provide for research on diseases of agricultural plants and animals and to make an appropriation therefor, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1049**—An act to amend Sections 53 and 59 of, and to add Article 5, comprising Sections 992 to 992.6, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, creating a California Veterans' Commission, providing for the functions thereof, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1086**—An act making an appropriation for the preparation of plans for postwar construction and development projects on State beaches.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1190**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as an addition to The Langley Porter Clinic and in furtherance of the postwar building program.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1191**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a psychiatric hospital clinic in the City of Los Angeles and in furtherance of the postwar building program.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1197**—An act to amend Sections 5260 and 7009 of, and to add Sections 7012.5 and 7012.6 to, the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, and providing for the support of persons committed to, or for placement in, homes for the mentally deficient in such homes and on parole or on leave of absence therefrom, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1252**—An act to amend Section 20343 of the Education Code and to add Section 20343.1 to said code, and making an appropriation, all relating to State college fees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1278**—An act to amend Section 20344 and to repeal Section 20461 of the Education Code and to add Article 6.5 to Chapter 2 of Division 10 of said code, all relating to State college summer sessions and abolishing the State Colleges Summer Session Fund declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1376**—An act making an appropriation to the Department of Industrial Relations for apprenticeship training to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1495**—An act to provide for the acquisition of certain real property in the County of Del Norte by the State Park Commission for State Park purposes, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1811**—An act providing for the acceptance, receipt and disposition of property by the State Board of Education, and making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in El Dorado, Amador and Calaveras counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2208**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the 11 Western States and to provide for the distribution and utilization thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2232**—An act making an appropriation to the Department of Natural Resources, Division of Beaches and Parks, for the acquisition of the Amestoy Rancho in the County of Los Angeles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 613**—An act providing for controlled land clearance and revegetation projects for the protection and improvement of range and forage lands, including experiments and research in relation thereto, and making an appropriation to the Division of Forestry to carry out the provisions of this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1523**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for the Department of Public Health and in furtherance of the postwar building program.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2190**—An act making an appropriation to The Regents of the University of California for expenditure for the Agricultural Extension Division of the College of Agriculture of said university.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2195**—An act to authorize the State Department of Education to aid and assist in the development and conduct of a program of aviation education inaugurated by the Civil Air Patrol, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 79**—An act to provide for the acquisition of Camp Taylor in Marin County as part of the State Park System, to repeal an act entitled "An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled 'An act making an appropriation to the Department of Natural Resources, Division of Parks for the acquisition of land in Marin County as part of the State Park System,' approved July 12, 1941," approved June 8, 1943, and making an appropriation.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, following the comma, insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 221**—An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the County of Alameda.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "and", and insert "for".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1810**—An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State system of parks and beaches pursuant to this act, and making and appropriation for the acquisition of public recreation facilities.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 8, after "facilities", strike out "within the interior"; and strike out lines 9, 10 and 11.

**Amendment No. 2**

On page 2 of said bill, strike out lines 1, 2, 3, and 4, and insert "in all parts of the State where such facilities may be made available".

**Amendment No. 3**

On page 2, line 36, of the printed bill, as amended, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 739**—An act to amend Section 19616 of the Education Code, and making an appropriation, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 16 to 20, inclusive.

**Amendment No. 2**

On page 2 of said bill, as amended, strike out lines 1 to 13, inclusive, and insert "SEC. 2. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of forty thousand dollars (\$40,000) to the Department of Education, in addition to, and in augmentation of, Item 76 in the Budget Act of 1945, to permit the department to supervise child care centers."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1182**—An act to add Article 13, comprising Sections 950 to 959, inclusive, to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to county juvenile homes and camps, and providing for assistance by the State for the maintenance of such homes and camps and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 8, of the printed bill, after "that", insert "where"; and strike out "who" "not" and "a fit person"; after "to be", insert the word "unfit".

**Amendment No. 2**

On page 2, line 21, of said bill, after "officer", insert ", subject to confirmation by the Board of Supervisors,".

**Amendment No. 3**

On page 3, line 8, of said bill, strike out "administrative".

**Amendment No. 4**

On page 3, line 24, of the printed bill, as amended, strike out "administered", and insert "expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

**Amendment No. 5**

On page 3, line 25, of said bill, as amended, strike out "pursuant to", and insert "in accordance with".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1868**—An act to amend Section 5954 of the Labor Code, relating to judicial review of proceedings of the Industrial Accident Commission.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out all that part which follows the word "commission".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 134**—An act to amend Section 4661 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1129**—An act to amend Section 18102 of the Government Code, relating to sick leave and workmen's compensation insurance benefits of State officers and employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 378**—An act to amend Section 3713 of the Labor Code, relating to security for the payment of workmen's compensation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1290**—An act to amend Section 5101 of the Labor Code, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1885**—An act to amend Section 5003 of the Labor Code, relating to compromise and release of a compensation claim.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1579**—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to positions in the State Board of Equalization.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, lines 3 and 4, of the printed bill, as amended, strike out "twelve thousand dollars (\$12,000)", and insert "ten thousand dollars (\$10,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2009**—An act to amend Sections 51, 57, 72, 75, 80 and 112 of the Labor Code, relating to the Chief of the Division of Industrial Welfare, Chief of the Division of Immigration and Housing, Director of Industrial Relations and the Industrial Accident Commission.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 6 of the title of the printed bill, as amended, after "Commission", insert ", and making an appropriation".

##### Amendment No. 2

On page 2 of said bill, after line 36 insert  
"Sec. 4. The sum of forty-one thousand dollars (\$41,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Industrial Relations for the support of the department and the several divisions thereof which are affected by this act in augmentation of any appropriations heretofore made by law for such support. The appropriation made by this section shall be made available with the approval of the Department of Finance to provide for the additional cost of administration of the department and the divisions thereof by reason of the provisions of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 2170**—An act to amend Section 105 of the Vehicle Code, relating to the Director of Motor Vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out "ten", and insert "nine".

**Amendment No. 2**

On page 1, line 8, of the printed bill, strike out "\$10,000", and insert "\$9,000".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1915**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and of the district courts of appeal.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 4 of the printed bill, strike out "six-"; and in line 5, strike out "teen thousand dollars (\$16,000)", and insert "fifteen thousand dollars (\$15,000)".

**Amendment No. 2**

In line 7 of the printed bill, strike out "fifteen thousand dollars"; and in line 8, strike out "\$15,000", and insert "fourteen thousand dollars (\$14,000)".

**Amendment No. 3**

In line 13 of the printed bill, strike out "fourteen thousand dollars (\$14,000)", and insert "thirteen thousand dollars (\$13,000)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 791**—An act to amend an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan associations," approved June 12, 1931, to increase the salary of the Building and Loan Commissioner.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "ten thousand dollars (\$10,000)", and insert "seven thousand five hundred dollars (\$7,500)".

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 2202**—An act relating to aviation; creating a California Aeronautical Commission, and prescribing the responsibilities and powers of such commission.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out “; creating a California Aeronautical Commission,” and insert “, providing for State cooperation with Federal authorities in connection therewith”.

**Amendment No. 2**

In line 3 of the title of said bill, strike out “such commission”, and insert “the Department of Public Works in relation thereto”.

**Amendment No. 3**

On page 1, line 1, of said bill, strike out “It is hereby declared that the purpose of this”; and strike out lines 2 to 25, inclusive; and strike out pages 2 and 3; and on page 4, strike out lines 1 to 26, inclusive; and in line 27, strike out “SEC. 8. The commission”, and insert “The Department of Public Works”.

**Amendment No. 4**

On page 4, line 44, of said bill, strike out “commission”, and insert “Department of Public Works”.

**Amendment No. 5**

On page 5 of said bill, strike out lines 3 to 10, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1531**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

- Bill read second time, and ordered to third reading.

**Assembly Bill No. 2207**—An act to amend Section 11381 of the Government Code, relating to the filing of regulations of State agencies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2199**—An act to amend Section 41.5 of the Unemployment Insurance Act relating to the transfer of reserve accounts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Social Welfare:

**Amendment No. 1**

On page 2, line 22, strike out “more”, and insert “not less than”.

**Amendment No. 2**

On page 2, line 27, strike out “more”, and insert “not less than”.

Amendments read and adopted.

Bill ordered printed, and to third reading.

## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Resolution No. 123**—Relating to the creation of a Senate Fact-Finding Committee to investigate, study and consider plans for fish hatcheries, game preserves, rehabilitation of quail, game farms and means and methods of preventing damage of crops by migratory fowl, and all other problems relating thereto and that relate to and affect the southern part of the State.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

In the first line of paragraph numbered 7., strike out, "fifteen thousand dollars (\$15,000)", and insert "twelve thousand dollars (\$12,000)".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Senate Resolution No. 127**—Relative to a Senate Committee on State and Local Taxation to make inquiry into every phase of taxation, creating the committee and defining its powers and duties.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

In the first line of paragraph 7., strike out "thirty-five thousand dollars (\$35,000)", and insert "twenty-five thousand dollars (\$25,000)".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Senate Resolution No. 136**—Relative to the creation of the Senate Committee on shore line development and beach erosion.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

## Amendment No. 1

In the first line of the paragraph numbered 2, strike out "seven members", and insert "five members".

## Amendment No. 2

In the first line of the paragraph numbered 6, strike out "ten thousand dollars (\$10,000)" and insert "seven thousand five hundred dollars (\$7,500)".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**Senate Resolution No. 142**—Relative to the creation of a Senate Committee on Governmental Reorganization.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

**Amendment No. 1**

In the first line of the paragraph numbered (6), strike out "ten thousand dollars (\$10,000)" and insert "seven thousand five hundred dollars (\$7,500)".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 839**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Bill read third time.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 39, of the printed bill, after the second comma insert "school districts,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1799**—An act to add Section 19400 to the Government Code, relating to public officers and employees and to their reinstatement after military service, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, as amended, between lines 41 and 42, insert "SEC. 3. In no event shall any person be deemed to be separated from military service pursuant to Section 2 later than sixty days after the cessation of hostilities in all wars in which the United States is now engaged."

**Amendment No. 2**

On page 2, line 42, of said bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 956**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "diplomas", insert a comma.

**Amendment No. 2**

In the title of said bill, strike out line 3 and insert "documents and certificates authorizing service in the public schools."

**Amendment No. 3**

On page 1, line 10, of said bill, after "484", strike out the comma.

**Amendment No. 4**

On page 1, line 10, of said bill, after "488", strike out the comma.

**Amendment No. 5**

On page 1, line 22, of said bill, after "484", strike out the comma.

Amendments read and adopted.

Bills ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.30 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1047 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Donsey, Fletcher, Gordon, Hathfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 467**—An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, line 35, of the printed bill, as amended, after "division" insert "shall be allowed".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 335**—An act to repeal Section 1100 of the Labor Code, relating to political affiliations of employees.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert "; and to add Section 1106 to,".

**Amendment No. 2**

On page 1 of the printed bill, after line 1, insert

"SEC. 2. Section 1106 is added to the Labor Code, to read:

1106. Nothing contained in this chapter shall be construed to prohibit an employer from refusing to hire any person or from discharging any employee who adheres to any philosophy, theory, doctrine or teaching, or who by his acts, words or conduct furnishes reasonable grounds for a belief that he advocates any philosophy, theory, doctrine or teaching, which advocates or has as its object or as one of its objects the overthrow of the Government of the United States or of this State by force, violence,



or other unlawful means, or who is affiliated with any organization which advocates or has as its object or one of its objects the overthrow of the present Government of the United States or of this State by force, violence, or other unlawful means.

Any employee discharged under this section may maintain an action in the superior court of the county in which such discharge takes place to determine whether or not such accusation was justified, and for his reinstatement in such employment."

Amendments read.

#### Motion to Table

Senator Jespersen moved that the amendments offered by Senator Tenney, to Assembly Bill No. 335, be laid on the table.

#### Roll Call Demanded

Senators Tenney, Dilworth, and Kuchel demanded a roll call.  
The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time, 2.49 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### President Pro Tempore of the Senate Presiding

At 2.50 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1389**—An act to amend Sections 3659, 3659.5, 3659.3, and 3902 of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property and the distribution of the proceeds therefrom.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1280**—An act to amend the chapter heading of Chapter 4 of Division 6 of, and to add Section 1190 to the Agricultural Code, to amend Sections 1191, 1193, 1194, 1195, 1196, 1199, 1200, 1202, 1206 and 1217 of the Agricultural Code, and to repeal Sections 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

Bill read third time, and presented by Senator Dilworth.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.04 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, the motion to lay the amendments by Senator Tenney on the table lost by the following vote:

**AYES**—Senators Biggar, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Jespersen, Judah, Mayo, McBride, Rich, Seawell, Shelley, Slater, Sutton, Swing and Ward—18.

**NOES**—Senators Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Tenney, and Weybret—20.

**Further Consideration of the Amendments Offered by Senator Tenney  
to Assembly Bill No. 335**

The question being on the adoption of the amendments by Senator Tenney to Assembly Bill No. 335.

**Roll Call Demanded**

Senators Tenney, Dilworth, and Gordon demanded a roll call.

Amendment read.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Breed, Brown, Burns, Crittenden, Cunningham, Dilworth, Gordon, Hulse, Kuchel, Mixter, Parkman, Quinn, Rich, Tenney, and Weybret—15.

**NOES**—Senators Biggar, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Seawell, Shelley, Slater, Sutton, Swing, and Ward—22.

**MOTION TO SUSPEND RULE**

Senator Dorsey moved that the rule limiting the time of speeches, be suspended temporarily to allow Senator Quinn time to complete his argument on Senate Bill No. 407.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Brown, Burns, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Mayo, McBride, Mixter, Parkman, Quinn, Slater, Sutton, and Tenney—17.

**NOES**—Senators Biggar, Breed, Carter, DeLap, Deuel, Dillinger, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Rich, Salsman, Seawell, Shelley, Ward, and Weybret—18.

**Chief Assistant Secretary Cleve V. Taylor at the Desk**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 3 p.m. having arrived, Senate Bill No. 407 was taken up.

**Senate Bill No. 407**—An act to add Section 1225 to the Government Code, relating to public office and employment.

**CONSIDERATION OF GOVERNOR'S VETO**

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 407 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Sutton, Tenney, and Ward—19.

NOES—Senators Breed, Carter, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Jepsen, Keating, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—20.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Quinn asked for, and was granted, unanimous consent to have the following opinion of the United States Supreme Court printed in the Journal.

#### SUPREME COURT OF THE UNITED STATES.

No. 205.—OCTOBER TERM, 1944.

In re Clyde Wilson Summers,	} On Writ of Certiorari to the
Petitioner.	
	Supreme Court of the State
	of Illinois.

[June 11, 1945.]

Mr. Justice REED delivered the opinion of the Court.

Petitioner sought a writ of certiorari from this Court under Section 237(b) of the Judicial Code to review the action of the Supreme Court of Illinois in denying the petitioner's prayer for admission to the practice of law in that state. It was alleged that the denial was "on the sole ground that he is a conscientious objector to war" or to phrase petitioner's contention slightly differently "because of his conscientious scruples against participation in war." Petitioner challenges here the right of the Supreme Court to exclude him from the bar under the due process clause of the Fourteenth Amendment to the Constitution of the United States which secured to him protection against state action in violation of the principles of the First Amendment.<sup>1</sup> Because of the importance of the tendered issue in the domain of civil rights, we granted certiorari.<sup>2</sup> — U. S. —.

<sup>1</sup> Fourteenth Amendment:

"... nor shall any State deprive any person of life, liberty, or property, without due process of law; . . ."

First Amendment:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

Cf Board of Education v. Barnette, 319 U. S. 624, 639.

<sup>2</sup> The petition for certiorari was not accompanied by a certified record. Rule 38(1). It alleged an inability to obtain a record from the Clerk of the Supreme Court of Illinois because the documents were not in that official's custody. See note 8, *infra*. No opposing brief was filed. After the expiration of the time for opposing briefs, rule 38(3), a rule issued "returnable within 30 days, requiring the Supreme Court of Illinois to show cause why the record in this proceeding should not be certified to this Court and also why the petition for writ of certiorari herein should not be granted." Journal, Supreme Court of the United States, October Term, 1944, p. 6. A return was duly made by the Chief Justice and the Associate Justices of the Supreme Court of Illinois which stated the position of the justices on the certification of the supposed and alleged record and their opposition to the granting of the certiorari. On consideration our writ of certiorari issued, directed to the Honorable, the Judges of the Supreme Court of Illinois, commanding that "the record and/or papers and proceedings" be sent to this Court for review. Journal, Supreme Court of the United States, October Term, 1944, p. 93. The papers comprising the proceedings before the Supreme Court of Illinois were certified to us by the Clerk of that court.

Since the proceedings were not treated as judicial by the Supreme Court of Illinois, the record is not in the customary form. It shows accurately, however, the steps by which the issue was developed and the action of the Supreme Court on the prayer for admission to the practice of law in the State of Illinois. From the record it appears that Clyde Wilson Summers has complied with all prerequisites for admission to the bar of Illinois except that he has not obtained the certificate of the Committee on Character and Fitness. Cf. Illinois Revised Statutes 1943, C. 110, § 259.58. No report appears in the record from the Committee. An unofficial letter from the Secretary gives his personal views.<sup>3</sup> A petition was filed in the Supreme Court on August 2, 1943, which alleged that petitioner was informed in January, 1943, that the Committee declined to sign a favorable certificate. The petition set out that the sole reason for the Committee's refusal was that petitioner was a conscientious objector to war, and averred that such reason did not justify his exclusion because of the due process clause of the Fourteenth Amendment. The denial of the petition for admission is informal. It consists of a letter of September 20, 1943, to the Secretary of the Committee which is set out below,<sup>4</sup> a letter of the same date to Mr. Summers and a third letter of March 22, 1944, to Mr. Summers' attorney on petition for rehearing. These latter two letters are set out in note 8.

The answer of the Justices to these allegations does not appear in the record which was transmitted from the Supreme Court of Illinois to this Court but in their return to the rule to show cause why certiorari should not be granted. The answer is two-fold: First, that the proceedings were not a matter of judicial cognizance in Illinois and that no case or controversy exists in this Court under Article III of the Federal Constitution; second, that assuming the sole ground for refusing to petitioner admission to practice was his profession of conscientious objection to military service, such refusal did not violate the Fourteenth Amendment because the requirement for applicants for admission to the bar to take an oath to support the Constitution of Illinois could not be met. In view of his religious affirmations, petitioner could not agree, freely, to serve in the Illinois militia. Therefore petitioner was not barred because of his religion but because he could not in good faith take

<sup>3</sup> In part it reads:

"I think the record establishes that you are a conscientious objector, also that your philosophical beliefs go further. You eschew the use of force regardless of circumstances but the law which you profess to embrace and which you teach and would practice is not an abstraction observed through mutual respect. It is real. It is the result of experience of man in an imperfect world, necessary we believe to restrain the strong and protect the weak. It recognizes the right even of the individual to use force under certain circumstances and commands the use of force to obtain its observance."

\* \* \* \* \*

"I do not argue against your religious beliefs or your philosophy of non-violence. My point is merely that your position seems inconsistent with the obligation of an attorney at law."

<sup>4</sup> "This Court has an elaborate petition filed by Francis Heisler, an attorney of 77 West Washington Street, Chicago, Illinois, on behalf of Clyde Wilson Summers."

"The substance of the petition is that the Board should overrule the action of the Committee on Character and Fitness, in which the Committee refused to give him a certificate because he is a conscientious objector, and for that reason refused to register or participate in the present national emergency."

"I am directed to advise you that the Court is of the opinion that the report of the Committee on Character and Fitness should be sustained."

"Yours very truly,

(Signed) June C. Smith, Chief Justice."



the prescribed oath, even though he might be willing to do so. We turn to consideration of the Justices' contentions.

*Case or Controversy.* The return of the Chief Justice and the Associate Justices states that the correspondence and communications of petitioner with the Justices were not spread upon the records of the Supreme Court of Illinois and that under the law of Illinois this petition for admission to the bar does not constitute a case or controversy or a judicial proceeding but is a mere application for appointment as an officer of the court.<sup>5</sup> We of course accept this authoritative commentary upon the law of Illinois as establishing for that state the non-judicial character of an application for admission to the bar.<sup>6</sup> We take it that the law of Illinois treats the action of the Supreme Court on this petition as a ministerial act which is performed by virtue of the judicial power, such as the appointment of a clerk or bailiff or the specification of the requirements of eligibility or the course of study for applicants for admission to the bar, rather than a judicial proceeding.

For the purpose of determining whether the action of the Supreme Court of Illinois in denying Summers' petition for an order for admission to practice law in Illinois is a judgment in a judicial proceeding which involves a case or controversy reviewable in this Court under Article III, Sec. 2, Cl. 1, of the Constitution of the United States,<sup>7</sup> we must for ourselves appraise the circumstances of the refusal. *Nashville, C. & St. L. Ry. v. Wallace*, 228 U. S. 249, 259. Cf. *Bridges v. California*, 314 U. S. 252, 259-60; *Nixon v. Condon*, 286 U. S. 73, 88; *First National Bank v. Hartford*, 273 U. S. 548, 552; *Truax v. Corrigan*, 257 U. S. 312, 324.

A case arises, within the meaning of the Constitution, when any question respecting the Constitution, treaties or laws of the United States has assumed "such a form that the judicial power is capable of acting on it." *Osborn v. Bank*, 9 Wheat., 738, 819. The Court was then considering the power of the bank to sue in the federal courts. A declaration on rights as they stand must be sought, not on rights which may arise in the future, *Prentiss v. Atlantic Coast Line*, 211 U. S. 210, 226, and

<sup>5</sup> Other courts reason to the contrary result. Ex parte Secombe, 19 How. 9, 15; Ex parte Garland, 4 Wall. 333; *Randal v. Brigham*, 7 Wall. 523, 535; In the Matter of the Application of Henry W. Cooper, 22 N. Y. 67; Ex parte Cashin, 128 Miss. 224, 232.

<sup>6</sup> Illinois considers that the power and jurisdiction of its Supreme Court with respect to the admission of attorneys are inherent in the judiciary under the constitution of the state, which provides, Article III, for the traditional distribution of the powers of government. Smith Hurd Illinois Anno. Statutes, Constitution, p. 394; In re Day, 181 Ill. 73, 82. Attorneys are officers of the court, answerable to it for their conduct. *People v. Peoples Stock Yards State Bank*, 344 Ill. 462, 470. The act of admission is an exercise of judicial power, *id.* 470, a judgment. In re Day, at p. 97, even though it is not considered a judicial proceeding. In the exercise of its judicial power over the bar, the Supreme Court of Illinois has adopted rules for admission to practice before the courts of that state which permit the admission by the Supreme Court after satisfactory examination by the Board of Law Examiners which includes a certification by a Committee on Character and Fitness as to the applicant's character and moral fitness. Illinois Revised Statutes 1943, c. 110, § 259.58.

<sup>7</sup> Constitution, Art. III, Sec. 2, cl. 1: "The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

there must be an actual controversy over an issue, not a desire for an abstract declaration of the law. *Muskrat v. United States*, 219 U. S. 346, 361; *Fairchild v. Hughes*, 258 U. S. 126, 129. The form of the proceeding is not significant. It is the nature and effect which is controlling. *Nashville, C. & St. L. Ry. v. Wallace*, 288 U. S. 249, 259.

The brief for the Justices raises the question as to who are the adversary parties. The petition in the state court was entitled, "Clyde Wilson, Summers, Petitioner, v. Committee on Character and Fitness for Third Appellate District, Respondent." The prayer sought relief against those named as respondents. The record does not show that any process issued or that any appearance was made. Our rule on the petition for certiorari required the Supreme Court of Illinois to show cause why a record should not be certified and the writ of certiorari granted. The return was by the Justices, not by the Court. The Supreme Court of Illinois, however, concluded that the "report of the Committee on Character and Fitness should be sustained." Thus it considered the petition on its merits. While no entry was placed by the Clerk in the file, on a docket, or on a judgment roll, the Court took cognizance of the petition and passed an order which is validated by the signature of the presiding officer.<sup>8</sup> Where relief is thus sought in a state court against the action of a committee, appointed to advise the court, and the court takes cognizance of the complaint without requiring the appearance of the committee or its members, we think the consideration of the petition by the Supreme Court, the body which has authority itself by its own act to give the relief sought, makes the proceeding adversary in the sense of a true case or controversy.

A claim of a present right of admission to the bar of a state and a denial of that right is a controversy. When the claim is made in a state court and a denial of the right is made by judicial order, it is a case

<sup>8</sup> The act of adjudging to which we have referred is contained in a letter addressed to petitioner, which reads as follows:

"Your petition to be admitted to the bar, notwithstanding the unfavorable report of the Committee on Character and Fitness for the Third Appellate Court District, has received the consideration of the Court.

"I am directed to advise you that the Court is of the opinion that the report of the Committee on Character and Fitness should be sustained.

"Yours very truly (Signed) June C. Smith, Chief Justice."

The letter was certified by the Clerk of the Supreme Court of Illinois under its seal as "filed in this office ——— in a certain cause entitled in this Court. Non Record No. 462. In Re Clyde Wilson Summers."

Later another letter was written in regard to the admission which reads as follows:

"March 22, 1944.

"Mr. Francis Heisler, Attorney at Law, 77 West Washington Street,

"Suite 1324, Chicago 2, Illinois.

"In re: Clyde Wilson Summers.

"Dear Sir:

"Your petition on behalf of Clyde Wilson Summers to reconsider the prior action of the Court sustaining the report of the Committee on Character and Fitness for the Third Appellate Court District, has had the consideration of the Court.

"I am directed to advise you that the Court declines to further consider its former action in this matter.

"Yours very truly, June C. Smith, Chief Justice."

By stipulation of petitioner and the Justices, the Clerk prepared a supplemental record in this cause which includes the following: (1) a transcript of the proceedings before the Character Committee; (2) the letter of March 22, 1944; (3) a certificate that the transcript is the original and the letter a document of the Supreme Court of Illinois.

which may be reviewed under Article III of the Constitution when federal questions are raised and proper steps taken to that end, in this Court.<sup>9</sup>

*Disqualification Under Illinois Constitution.* The Justices justify their refusal to admit petitioner to practice before the courts of Illinois on the ground of petitioner's inability to take in good faith the required oath to support the Constitution of Illinois. His inability to take such an oath, the justices submit, shows that the Committee on Character and Fitness properly refused to certify to his moral character and moral fitness to be an officer of the Court, charged with the administration of justice under the Illinois law. His good citizenship, they think, judged by the standards required for practicing law in Illinois, is not satisfactorily shown<sup>10</sup> A conscientious belief in non-violence to the extent that the believer will not use force to prevent wrong, no matter how aggravated, and so cannot swear in good faith to support the Illinois Constitution, the Justices contend, must disqualify such a believer for admission.

Petitioner appraises the denial of admission from the viewpoint of a religionist. He said in his petition:

"The so-called 'misconduct' for which petitioner could be reproached for is his taking the New Testament too seriously. Instead of merely reading *or* preaching the Sermon on the Mount, he tries to practice it. The only fault of the petitioner consists in his attempt to act as a good Christian in accordance with his interpretation of the Bible, and according to the dictates of his conscience. We respectfully submit that the profession of law does not shut its gates to persons who have qualified in all other respects, even when they follow in the footsteps of that Great Teacher of mankind who delivered the Sermon *on* the Mount. We respectfully submit that under our Constitutional guarantees even good Christians who have met all the requirements for the admission to the bar may be admitted to practice law."

Thus a court created to administer the laws of Illinois, as it understands them and charged particularly with the protection of justice in the courts of Illinois through supervision of admissions to the bar found itself faced with the dilemma of excluding an applicant whom it deemed

<sup>9</sup> In *Bradwell v. The State*, 16 Wall. 130, this Court took cognizance of a writ of error to an order of the Supreme Court of Illinois which denied a motion of Mrs. Bradwell for admission to the bar of Illinois. The proceeding was entitled by the Supreme Court of Illinois, "In the matter of the application of Mrs. Myra Bradwell for a license to practice as an attorney-at-law." There was an opinion. A writ of error under the Illinois title was issued to bring up the case. The objection to Mrs. Bradwell's admission was on the ground of her sex. As no question was raised as to the jurisdiction of this Court under Article III of the Constitution, the case is of little, if any, value as a precedent on that point. *Arant v. Lane*, 245 U. S. 166, 170; *United States v. More*, 3 Cranch 159, 172.

<sup>10</sup> Section IX (2) of the Rules for Admission to the Bar reads as follows:

"Before admission to the Bar, each applicant shall be passed upon by the Committee in his district as to his character and moral fitness. He shall furnish the Committee with an affidavit in such form as the Board of Law Examiners shall prescribe concerning his history and environments, together with the affidavits of at least three reputable persons personally acquainted with him residing in the county in which the applicant resides, each testifying that the applicant is known to the affiant to be of good moral character and general fitness to practice law, setting forth in detail the facts upon which such knowledge is based. Each applicant shall appear before the Committee of his district or some member thereof and shall furnish the Committee such evidence of his moral character and good citizenship as in the opinion of the Committee would justify his admission to the Bar." Ill. Rev. Stat. 1943; c 110, § 259.58.



disqualified for the responsibilities of the profession of law or of admitting the applicant because of its deeply rooted tradition in freedom of belief. The responsibility for choice as to the personnel of its bar rests with Illinois. Only a decision which violated a federal right secured by the Fourteenth Amendment would authorize our intervention. It is said that the action of the Supreme Court of Illinois is contrary to the principles of that portion of the First Amendment which guarantees the free exercise of religion. Of course, under our Constitutional system, men could not be excluded from the practice of law, or indeed from following any other calling, simply because they belong to any of our religious groups, whether Protestant, Catholic, Quaker or Jewish, assuming it conceivable that any state of the Union would draw such a religious line. We cannot say that any such purpose to discriminate motivated the action of the Illinois Supreme Court.

The sincerity of petitioner's beliefs are not questioned. He has been classified as a conscientious objector under the Selective Training and Service Act of 1940, 54 Stat. 885, as amended. Without detailing petitioner's testimony before the Committee or his subsequent statements in the record, his position may be compendiously stated as one of non-violence. Petitioner will not serve in the armed forces. While he recognizes a difference between the military and police forces, he would not act in the latter to coerce threatened violations. Petitioner would not use force to meet aggressions against himself or his family, no matter how aggravated or whether or not carrying a danger of bodily harm to himself or others. He is a believer in passive resistance. We need to consider only his attitude toward service in the armed forces.

Illinois has constitutional provisions which require service in the militia in time of war of men of petitioner's age group.<sup>11</sup> The return of the Justices alleges that petitioner has not made any showing that he would serve notwithstanding his conscientious objections. This allegation is undenied in the record and unchallenged by brief. We accept the allegation as to unwillingness to serve in the militia as established. While under Section 5(g) of the Selective Training and Service Act, *supra*, conscientious objectors to participation in war in any form now are permitted to do non-war work of national importance, this is by grace of Congressional recognition of their beliefs. *Hamilton v. Regents*, 293 U. S. 245, 261-65, and cases cited. The Act may be repealed. No similar exemption during war exists under Illinois law. The *Hamilton* decision was made in 1934, in time of peace.<sup>12</sup> This decision as to the powers of the state government over military training is applicable to the power of Illinois to require military service from her citizens.

<sup>11</sup> "The militia of the state of Illinois shall consist of all able-bodied male persons resident in the state, between the ages of eighteen and forty five, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state." (Constitution of Illinois, Art. XII, Sec. 1, Ill. Rev. Stat. 1943.)

"No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace; 'Provided, such person shall pay an equivalent for such exemption.'" (Constitution of Illinois, Art. XII, Sec. 6, Ill. Rev. Stat. 1943.)

<sup>12</sup> California imposed instruction in military tactics on male students in the University of California. Some students sought exemption from this training on the ground that such training was inconsistent with their religious beliefs. This Court denied them any such exemption based on the due process clause of the federal Constitution. The opinion states, at pp. 262-63:

"Government, federal and state, each in its own sphere owes a duty to the people within its jurisdiction to preserve itself in adequate strength to maintain peace and order and to assure the just enforcement of law. And every citizen owes the reciprocal duty, according to his capacity, to support and defend government against all enemies. *Selective Draft Law Cases*, *supra*, p. 378. *Minor v. Happersett*, 21 Wall. 162, 166."



The United States does not admit to citizenship the alien who refuses to pledge military service. *United States v. Schwimmer*, 279 U. S. 644; *United States v. Macintosh*, 283 U. S. 605. Even the powerful dissents which emphasized the deep cleavage in this Court on the issue of admission to citizenship did not challenge the right of Congress to require military service from every able-bodied man. 279 U. S. at 653; 283 U. S. at 632. It is impossible for us to conclude that the insistence of Illinois that an officer who is charged with the administration of justice must take an oath to support the Constitution of Illinois and Illinois' interpretation of that oath to require a willingness to perform military service violates the principles of religious freedom which the Fourteenth Amendment secures against state action, when a like interpretation of a similar oath as to the Federal Constitution bars an alien from national citizenship.<sup>13</sup>

*Affirmed.*

SUPREME COURT OF THE UNITED STATES.

No. 205.—OCTOBER TERM, 1944.

In re Clyde Wilson Summers,	}	On Writ of Certiorari to the
Petitioner.		Supreme Court of the State
		of Illinois.

[June 11, 1945.]

Mr. Justice BLACK, dissenting.

The State of Illinois has denied the petitioner the right to practice his profession and to earn his living as a lawyer. It has denied him a license on the ground that his present religious beliefs disqualify him for membership in the legal profession. The question is, therefore, whether a state which requires a license as a prerequisite to practicing law can deny an applicant a license solely because of his deeply-rooted religious convictions. The fact that petitioner measures up to every other requirement for admission to the Bar set by the State demonstrates beyond doubt that the only reason for his rejection was his religious beliefs.

The state does not deny that petitioner possesses the following qualifications:

He is honest, moral, and intelligent, has had a college and a law school education. He has been a law professor and fully measures up to the high standards of legal knowledge Illinois has set as a prerequisite to admission to practice law in that State. He has never been convicted for, or charged with, a violation of law. That he would serve his clients

<sup>13</sup> *United States v. Macintosh*, 283 U. S. 605, 625-26:

"If the attitude of this claimant, as shown by his statements and the inferences properly to be deduced from them, be held immaterial to the question of his fitness for admission to citizenship, where shall the line be drawn? Upon what ground of distinction may we hereafter reject another applicant who shall express his willingness to respect any particular principle of the Constitution or obey any future statute only upon the condition that he shall entertain the opinion that it is morally justified? The applicant's attitude, in effect, is a refusal to take the oath of allegiance except in an altered form. The qualifications upon which he insists, it is true, are made by parol and not by way of written amendment to the oath; but the substance is the same."

faithfully and efficiently if admitted to practice is not denied. His ideals of what a lawyer should be indicate that his activities would not reflect discredit upon the bar, that he would strive to make the legal system a more effective instrument of justice. Because he thinks that "Lawsuits do not bring love and brotherliness—just create antagonisms, he would, as a lawyer, exert himself to adjust controversies out of court, but would vigorously press his client's cause in court if efforts to adjust failed. Explaining to his examiners some of the reasons why he wanted to be a lawyer, he told them: "I think there is a lot of work to be done in the law. . . . I think the law has a place to see to it that every man has a chance to eat and a chance to live equally. I think the law has a place where people can go and get justice done for themselves without paying too much, for the bulk of people that are too poor." No one contends that such a vision of the law in action is either illegal or reprehensible. The petitioner's disqualifying religious beliefs stem chiefly from a study of the New Testament and a literal acceptance of the teachings of Christ as he understands them. Those beliefs are these:

He is opposed to the use of force for either offensive or defensive purposes. The taking of human life under any circumstances he believes to be against the Law of God and contrary to the best interests of man. He would if he could, he told his examiners, obey to the letter these precepts of Christ: "Love your Enemies; Do good to those that hate you; Even though your enemy strike you on your right cheek, turn to him your left cheek also."<sup>1</sup> The record of his evidence before us bears convincing marks of the deep sincerity of his convictions, and counsel for Illinois with commendable candor does not question the genuineness of his professions.

I cannot believe that a state statute would be consistent with our constitutional guarantee of freedom of religion if it specifically denied the right to practice law to all members of one of our great religious groups, Protestant, Catholic, or Jewish. Yet the Quakers have had a long and honorable part in the growth of our nation, and an amicus curiae brief filed in their behalf informs us that under the test applied to this petitioner, not one of them could qualify for the bar in Illinois. And it is obvious that the same disqualification would exist as to every conscientious objector to the use of force, even though the Congress of the United States should continue its practice of absolving them from military service. The conclusion seems to me inescapable that if Illinois can bar this petitioner from the practice of law it can bar every person from every public occupation solely because he believes in non-resistance rather than in force. For a lawyer is no more subject to call for military duty than a plumber, a highway worker, a Secretary of State, or a prison chaplain.

It may be, as many people think, that Christ's Gospel of love and submission is not suited to a world in which men still fight and kill one another. But I am not ready to say that a mere profession of belief in

<sup>1</sup> The quotations are the petitioner's paraphrase of the King James translation of Verses 38, 39 and 44 of St. Matthew, Chapter 5, which read as follows:

"Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth:

"But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also . . . .

"But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; . . . ."

that Gospel is a sufficient reason to keep otherwise well qualified men out of the legal profession, or to drive law-abiding lawyers of that belief out of the profession, which would be the next logical development.

Nor am I willing to say that such a belief can be penalized through the circuitous method of prescribing an oath, and then barring an applicant on the ground that his present belief might later prompt him to do or refrain from doing something that might violate that oath. Test oaths, designed to impose civil disabilities upon men for their beliefs rather than for unlawful conduct, were an abomination to the founders of this nation. This feeling was made manifest in Article VI of the Constitution which provides that "no religious test shall ever be required as a Qualification to any Office or public Trust in the United States." *Cummings v. The State of Missouri*, 4 Wall. 277; *Ex parte Garland*, 4 Wall. 333.

The state's denial of petitioner's application to practice law resolves itself into a holding that it is lawfully required that all lawyers take an oath to support the state constitution and that petitioner's religious convictions against the use of force make it impossible for him to observe that oath. The petitioner denies this and is willing to take the oath. The particular constitutional provision involved authorizes the legislature to draft Illinois citizens from 18 to 45 years of age for militia service. It can be assumed that the State of Illinois has the constitutional power to draft conscientious objectors for war duty and to punish them for refusal to serve as soldiers,—powers which this Court held the United States possesses in *United States v. Schwimmer*, 279 U. S. 644, and *United States v. McIntosh*, 283 U. S. 605. But that is not to say that Illinois could constitutionally use the test oath it did in this case. In the *Schwimmer* and *McIntosh* cases aliens were barred from naturalization because their then religious beliefs would bar them from bearing arms to defend the country. Dissents in both cases rested in part on the premise that religious tests are incompatible with our constitutional guarantee of freedom of thought and religion. In the *Schwimmer* case dissent, Mr. Justice Holmes said that "if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within this country." pp. 654-655. In the *McIntosh* case dissent, Mr. Chief Justice Hughes said, "To conclude that the general oath of office is to be interpreted as disregarding the religious scruples of these citizens and as disqualifying them for office because they could not take the oath with such an interpretation would, I believe, be generally regarded as contrary not only to the specific intent of the Congress but as repugnant to the fundamental principle of representative government." p. 632. I agree with the constitutional philosophy underlying the dissents of Mr. Justice Holmes and Mr. Chief Justice Hughes.

The Illinois Constitution itself prohibits the draft of conscientious objectors except in time of war and also excepts from militia duty persons who are "exempted by the laws of the United States." It has not drafted men into the militia since 1864, and if it ever should again, no one can say that it will not, as has the Congress of the United States, exempt men who honestly entertain the views that this petitioner does. Thus



the probability that Illinois would ever call the petitioner to serve in a war has little more reality than an imaginary quantity in mathematics.

I cannot agree that a state can lawfully bar from a semi-public position, a well-qualified man of good character solely because he entertains a religious belief which might prompt him at some time in the future to violate a law which has not yet been and may never be enacted. Under our Constitution men are punished for what they do or fail to do and not for what they think and believe. Freedom to think, to believe, and to worship, has too exalted a position in our country to be penalized on such an illusory basis. *West Virginia State Board of Education v. Barnette*, 319 U. S. 624, 643-646.

I would reverse the decision of the State Supreme Court.

Mr. Justice DOUGLAS, Mr. Justice MURPHY, and Mr. Justice RUTLEDGE concur in this opinion.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 677

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters and control, conservation and use of the State's water resources; creating the State Water Resources Board and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Water Resources Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 677?

##### Amendment No. 1

On page 7 of the printed bill, as amended, strike out lines 27 to 40, inclusive, and insert

"SEC. 25. The provisions of Part 2 of Division 6 of the Water Code shall be applicable to all water made available by the construction of the works of any project approved by this act. No priority under said part shall be released nor assignment made of any appropriation that will, in the judgment of the Department of Finance, deprive the county in which the appropriated water originates of any such water necessary for the development of the county."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 677 by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Kuebel, McCormack, Mixer, Quinn, Rich, Shelley, Slater, Sutton, Swing, Tenney, and Ward—24.



NOES—Senators Biggar, Brown, Burns, Carter, Collier, Dillinger, Jespersen, Mayo, Parkman, Powers, Salsman, Seawell, and Weybret—13.

Above bill ordered enrolled.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1126**—An act to add to the Welfare and Institutions Code Chapter 4 of Division 3, comprising Sections 2370 to 2374, inclusive, relating to the construction by counties of homes for aged persons.

Bill read third time, and presented by Senator Desmond.

#### Motion to Re-refer Assembly Bill No. 1126

Senator Hulse moved that Assembly Bill No. 1126 be re-referred to Committee on Social Welfare.

Motion carried.

#### Secretary J. A. Beek at the Desk

**Assembly Bill No. 1114**—An act to add Section 1034½ to the Code of Civil Procedure, relating to additional costs in unlawful detainer proceedings.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Ducl, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1388**—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to taxation of property.

Bill read third time, and presented by Senator Rich.

#### Motion to Amend

Senator Burns moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, lines 13 and 14, of the printed bill, strike out "or to tax sales or certificates of tax sales, tax deeds or other conveyances".

Amendment read.

#### Previous Question

Senator Salsman moved the previous question.

Motion carried.

The question being on the adoption of the amendments to Assembly Bill No. 1388 offered by Senator Burns.

#### Roll Call Demanded

Senator Burns, Jespersen, and Carter demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Brown, Burns, Carter, Crittenden, Donnelly, Fletcher, Hatfield, Jespersen, McBride, Quinn, Shelley, and Sutton—12.

**NOES**—Senators Biggar, Breed, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—26.

**Further Amendments to Assembly Bill No. 1388  
Motion to Amend**

Senator Jespersen moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, between lines 23 and 24, insert

"(c) This act shall not affect the rights of any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind who or which has prior to the effective date of this act filed an action or proceeding in which may be determined the validity of taxes, tax sales, tax deeds, or other conveyances, but the determination of the validity of taxes, tax sales, tax deeds, or other conveyances in an action or proceeding so filed shall be in accordance with the provisions of law in effect at the time such an action or proceeding was filed."

Amendment read.

**Motion to Table**

Senator Rich moved that the amendments offered by Senator Jespersen to Assembly Bill No. 1388, be laid on the table.

Motion carried.

**Further Consideration of Assembly Bill No. 1388**

The question being on final passage of Assembly Bill No. 1388.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

**NOES**—Senators Burns, Carter, Dilworth, Donnelly, Fletcher, Jespersen, McBride, and Ward—8.

Bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

And appointed Messrs. Fourn, Waters, and King as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Rich, Swing, and Salsman as a Senate Committee on Conference concerning Assembly Bill No. 2209 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 217**--An act to repeal Title 11 of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772, relating to children's courts of conciliation.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 25, 1945, be further amended as follows:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 2 to 6 inclusive, and insert "add Section 1733 to the Code of Civil Procedure, relating to children's".

**Amendment No. 2**

On page 1, of said bill, strike out lines 11 to 14, inclusive, and insert

"SECTION 1. Section 1733 is added to the Code of Civil Procedure, to read:

1733. The provisions of this chapter shall be applicable only in counties in which the superior court determines that the social conditions in the county and the number of domestic relations cases in the courts render the procedures herein provided necessary to the full and proper consideration of such cases and the effectuation of the purposes of this chapter. Such determination shall be made annually in the month of January by the judge of the superior court in counties having only one such judge, and by a majority of the judges of the superior court in counties having more than one such judge."

DESMOND  
DORSEY  
DeLAP

SAWALLISCH  
STEPHENSON  
MIDDOUGH

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES--Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret--33.

NOES--None.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1566**--An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill be further amended as follows:

Page 1, line 16, of the printed bill, after "witnesses", insert "except the reports signed by the drivers involved in the accident,".

SALSMAN  
BREED  
DORSEY

MILLER  
PRICE  
DAVIS

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES--Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret--34.

NOES--None.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1024**—An act to amend Sections 105, 106, 113, 116, 123, 124, and 126 of the Vehicle Code, and to repeal Sections 110 and 112 thereof, relating to the organization of the Department of Motor Vehicles.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 12, 1945, be further amended as follows:

## Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "with the advice and consent of the Senate".

WATERS

FOURT

MALONEY

Assembly Committee on Conference

COLLIER

PARKMAN

KEATING

Senate Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

**NOES**—None.

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1117

Assembly Bill No. 1400

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1156

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; Noes 1.

SWING, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1117**—An act making an appropriation for administration of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "making an appropriation for the administration of the provisions of Chapter 2", and insert "to amend Sections 9100 and 9151 and to repeal Sections 9011 and 9112.5, Chapter 2, comprising Sections 9030 to 9053, inclusive, and Article 3, comprising Sections 9090 to 9093, inclusive, of Chapter 3".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 9, inclusive, and insert

"SECTION 1. The State Soil Conservation Commission is hereby abolished and shall have no further powers or duties. The equipment, records, documents, property, and funds of the commission are hereby transferred to the Department of Finance.

SEC. 2. Section 9100 of the Public Resources Code is amended to read:

9100. [If the report of the commission is favorable to the organization of the proposed district] *Upon the making of the order referred to in Section 9083*, the board shall set a time and place for a public hearing on the petition.

SEC. 3. Section 9151 of said code is amended to read:

9151. The board shall also forward certified copies of said order to [the State Soil Conservation Commission,] the Secretary of State[,] and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

SEC. 4. Sections 9011 and 9112.5, Chapter 2, comprising Sections 9030 to 9053, inclusive, and Article 3, comprising Sections 9090 to 9093, inclusive, of Chapter 3 of Division 9 of said code are repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1400**—An act making an appropriation to pay the claim of the Secretary of the State Board of Control against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 2, 3 and 4 of the printed bill, as amended, strike out "two hundred ninety-three thousand three hundred eighteen dollars and fifty-two cents (\$293,318.52)", and insert "three hundred fifteen thousand seven hundred nineteen dollars and forty-three cents (\$315,719.43)".

**Amendment No. 2**

On page 1, lines 9 and 10, of said bill, strike out "two hundred ninety-three thousand three hundred eighteen dollars and fifty-two cents (\$293,318.52)", and insert "three hundred fifteen thousand seven hundred nineteen dollars and forty-three cents (\$315,719.43)".

**Amendment No. 3**

On page 1, lines 12 and 13, of said bill, strike out "ninety-six thousand four hundred eighty-five dollars and sixty-eight cents (\$96,485.68)", and insert "one hundred fifteen thousand five hundred fifty-one dollars and seventy-nine cents (\$115,551.79)".

**Amendment No. 4**

On page 2, lines 11 and 12, of said bill, strike out "three thousand nine hundred thirty dollars and ninety-eight cents (\$3,930.98)", and insert "five thousand one hundred ten dollars and ninety-eight cents (\$5,110.98)".

**Amendment No. 5**

On page 2, lines 33, 34 and 35, of said bill, strike out "one hundred thirty-eight thousand two hundred five dollars and sixteen cents (\$138,205.16)", and insert "one hundred thirty-eight thousand two hundred eleven dollars and sixteen cents (\$138,211.16)".

**Amendment No. 6**

On page 2, lines 36 and 37, of said bill, strike out "thirty-three thousand five hundred thirty-three dollars and eighty-four cents (\$33,533.84)", and insert "thirty-five thousand five hundred thirty-three dollars and eighty-four cents (\$35,533.84)".

**Amendment No. 7**

On page 3, lines 2 and 3, of said bill, strike out "one thousand six hundred eighty-four dollars and twenty-two cents (\$1,684.22)", and insert "one thousand eight hundred thirty-three dollars and two cents (\$1,833.02)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1156**—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 1, of the printed bill, strike out "There is hereby transferred", and insert "The State Lands Commission is directed to transfer".

**Amendment No. 2**

On page 1, line 4, of said bill, after "unfilled," insert "upon the payment by the City and County of San Francisco to the State of California for deposit in the General Fund of such amount as is determined by the Director of Finance as being equal to the total sum heretofore invested by the State for the acquisition thereof and improvements thereon and including the amount necessary to pay the principal and interest of all outstanding bonds issued by the State in connection therewith,".

**Amendment No. 3**

On page 1, of said bill, strike out lines 7 to 11, inclusive, and insert "only for the promotion of".

**Amendment No. 4**

On page 1 of said bill, strike out lines 19 to 24, inclusive; and on page 2, strike out lines 1 to 8, inclusive, and insert

"Said surface easement shall at all times be and remain subject to the superior rights, claims, authority, title and jurisdiction of the State, and shall not be deemed to create or construed as creating rights in conflict with the authority or jurisdiction of any State agency or instrumentality now existing or which may hereafter be created except that, in cases where private rights shall have become vested in pursuance of clause "(c)" hereof within the scope of clause "(a)", and such rights might also have accrued under other provisions of law by grant or let from the State, such rights shall be deemed to have accrued and become vested with the knowledge and consent of the State agency or instrumentality having State control or jurisdiction thereof."

**Amendment No. 5**

On page 3, line 10, of said bill, strike out "north-"; and strike out lines 11 to 43, inclusive; and on line 44 strike out "South"; and insert "southeasterly line of Donahue Street (formerly "D" Street South); thence northeasterly along said line of Donahue Street to the bulkhead line; thence southeasterly along said bulkhead line to the northeasterly line of the property now or formerly owned by the Bethlehem Shipbuilding Company; thence southeasterly and southerly along the northeasterly and easterly lines of said Bethlehem property to the southeasterly prolongation of the northeasterly line of Evans Avenue (formerly Fifth Avenue South); thence northwesterly along last named line to the southeasterly line of Waterfront Street; thence southwesterly, southeasterly and southwesterly along said line of Waterfront Street to the southeasterly prolongation of the northeasterly line of Oakdale Avenue (formerly Fifteenth Avenue South); thence southeasterly along last named line to

the bulkhead line; thence southwesterly along said bulkhead line to the southeasterly prolongation of the southwesterly line of Shafter Avenue (formerly Nineteenth Avenue South); thence northwesterly along last named line and the southwesterly line of Shafter Avenue to the southeasterly line of Alford Street (formerly "A" Street South); thence southwesterly along said line of Alford Street to the southwesterly line of Wallace Avenue (formerly Twenty-third Avenue South); thence northwesterly along said line of Wallace Avenue to the southeasterly line of Donahue Street; thence northeasterly along said line of Donahue Street to the northeasterly line of Wallace Avenue;".

Amendments read and adopted.

Bill ordered printed, and to third reading.

### RESOLUTIONS

The following resolutions were offered:

By Senator Hatfield:

#### Senate Resolution No. 149

Relative to a fact-finding committee on agriculture and livestock problems

WHEREAS, The termination of the war will present serious problems of readjustment for agriculture and for the livestock and dairying industries by reason of the return to a peacetime economy and the cessation of wartime demands, and also will revive all of those problems affecting agriculture and the livestock and dairying industries with which they were confronted prior to the commencement of hostilities; and

WHEREAS, Legislative action designed to meet and solve such problems should be predicated on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on Agriculture and Livestock Problems is hereby created and appointed, and authorized and directed to ascertain, study and analyze all facts directly or indirectly relating to or in any manner affecting agriculture, the livestock industry and dairying, and any and all matters incidental or pertaining thereto, and in all their several phases, with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to meet and solve all problems connected therewith or affected thereby. Without limitation by reason of the specification thereof, the committee is particularly authorized and directed to include in its study and analysis all facts relating to

(1) Problems affecting agriculture and the livestock industry by reason of the readjustment involved in the conversion from wartime to peacetime economy, and including all social and economic phases thereof;

(2) All matters affecting agriculture, the livestock industry and dairying by reason of State, Federal and local governmental activities in connection therewith;

(3) Problems in the field of education affecting the foregoing, including the need for additional facilities for education in agriculture, the scope and activity of existing facilities, the need for the establishment of facilities to provide training in these matters for both war veterans and civilians, and the adequacy of existing facilities and need for additional facilities for research in these fields;

(4) Present and contemplated activities of State institutions operating farms, dairies or similar facilities;

(5) The recruitment and availability of agricultural labor, and problems incidental thereto;

(6) Brand laws and stray laws;

(7) The activities of State, Federal, or local governmental agencies in connection with agriculture, the livestock industry, and dairying; including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.



5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.  
 (b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read and referred to Committee on Rules:

By Senator Quinn:

#### Senate Resolution No. 150

Relating to the creation of the Senate Interim Committee on Veterans Affairs

WHEREAS, A proper regard for the problems of returning servicemen and their families requires legislative action within a complex sphere; and

WHEREAS, Such legislation must be based on a thorough knowledge of the operation of State and Federal laws relating to veterans, and a complete familiarity with the facilities with which the veteran must deal, their adequacy and desirability, and the need for coordination or regulation thereof, as well as complete information as to the interplay of social and economic forces on the veteran's family and property; now, therefore, be it

*Resolved by the Senate of the State of California, That*

1. The Senate Interim Committee on Veterans Affairs is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the social and economic effect of wartime conditions on those who are or have been in the armed services, and the adequacy, desirability, and need for coordination or regulation of persons, groups, institutions and State and local agencies which affect such persons or purport to offer them assistance, including but not limited to the operation, effect, administration, enforcement and needed revision of every provision of the Military and Veterans Code of the State of California, and any and all other laws, both Federal and State in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee may make such representations and recommendations to the Federal Government as it may deem advisable on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and the recommendations and representations shall be those of the committee, and not of the Legislature or of either house thereof.

3. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.  
 (b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its finding and recommendations to the Senate or to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.



7. The sum of four thousand (\$4,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Biggar:

**Senate Resolution No. 151**

**Relative to the creation of the Senate Forestry Study Committee**

WHEREAS, California's agriculture is primarily dependent upon an adequate supply of irrigation water from the mountainous forested and watershed areas; and

WHEREAS, Much of California's livestock industry is dependent upon the same lands for their range forage supply; and

WHEREAS, The management and protection of these mountainous lands and the resources of forest, range, and watershed are economically important to the industry as well as the agriculture of the State of California; and

WHEREAS, The same type of management is inapplicable to all lands due to the wide variation of cover types, soil stability and climatic conditions; and

WHEREAS, An investigation of the problem involved and a compilation of related facts are necessary to determine what legislative policy should be established for the protection and development of these resources; now, therefore, be it

*Resolved by the Senate of the State of California*, That the State of California has an interest in the above mentioned resources for the purpose of developing and improving the productivity of the land for timber, forage and water supply, the retardation of water runoff, the reduction of soil erosion, and to this end a determination should be made to what extent and on what types of land and cover fire may be used as a tool in land management as well as of the most economical and efficient type of fire protection that should be given to the various types of forest resources; and be it further

*Resolved, That*

1. The Senate Forestry Study Committee is hereby created and appointed and is hereby vested with all the rights, power and duties of the committee created by Chapter 1086 of the Statutes of 1943 and directed to continue the work of that committee. In addition, it is hereby authorized and directed to ascertain, study and analyze all facts relating to the range and watershed problems of the State of California, and the prevention and suppression of forest fires therein including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution. The said committee is directed to report on its studies to the Senate, including in the reports its recommendations for appropriate legislation, particularly such as will aid the Department of Natural Resources and the Division of Forestry in effectuating the greatest economic returns from wild life on a long term basis.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Senate and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or

claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1779**—An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, relating to police courts in cities of the second class.

Bill read third time.

#### Motion to Amend

Senator Breed moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "one to take office January 1, 1947."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1787**—An act to amend Sections 103g and 103h of, and to add Section 103l to the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Bill read third time.

#### Motion to Amend

Senator Breed moved the adoption of the following amendment:

PRINTER'S NOTE There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 1

On page 1, lines 20 and 21, of the printed bill, strike out "a salary of [ten thousand dollars (\$10,000) per annum.]", and insert "as salary".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 474**—An act to amend Section 737a of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Alameda.

Bill read third time.

#### Motion to Re-refer Assembly Bill No. 474

Senator Breed moved that Assembly Bill No. 474 be re-referred to Committee on Local Government.

Motion carried.

**Assembly Bill No. 1994**—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, and providing for the forfeiture of such lands for failure to make such payments.

Bill read third time.

**Motion to Amend**

Senator Kuchel moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended, after the comma, insert "or any other State officer or agency of the State of California,".

**Amendment No. 2**

On page 1, line 6, of the printed bill, as amended, before "under", insert a parenthesis; and in line 9, following "Legislature", insert a parenthesis.

**Amendment No. 3**

On page 1, line 8, of said bill, strike out "within one year".

**Amendment No. 4**

On page 1, line 10, of said bill, before the comma, insert "or so much thereof as remains unpaid".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RECESS**

At 5.50 p.m., on motion of Senator Seawell, the Senate recessed until 8 p.m.

**REASSEMBLED**

At 8 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**REPORTS OF STANDING COMMITTEES****Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Assembly Bill No. 1226

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to the Committee on Finance.

CHRIS N. JESPERSEN, Chairman  
FRANK W. MIXTER  
OLIVER J. CARTER  
CRITTENDEN  
CUNNINGHAM  
RICH

Above reported bill referred to Committee on Finance.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 2173**—An act to add Section 4703 to the Education Code, relating to the establishment of classes for educating wards of a juvenile court, to be located outside of the boundaries of a unified school district.

Bill read third time, and presented by Senator Parkman.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Parkman moved a call of the Senate.

Motion carried. Time, 8.07 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 2069**—An act to amend Section 4087b of the Political Code, relating to money remaining unclaimed in the treasury of any city, county, or city and county.

Bill read third time, presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Dorsey, Gordon, Hatfield, Hulse, Jerpersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1714**—An act to amend Sections 737ii and 737uu of the Political Code, relating to the salaries of judges of the superior courts of San Benito and Siskiyou counties, respectively.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Hulse, Jerpersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1758**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisalment by guardians.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jerpersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1898**—An act to add Section 10003 to Part 1 of Division 6 of the Water Code, relating to the appropriation of water and priorities thereof.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jerpersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 154**—An act to amend Section 42.4 of the County Employees Retirement Act of 1937, relating to county retirement associations, and providing for the inclusion of superior court phonographic reporters therein.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 16**—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 88**—An act to amend Section 737dd of the Political Code, relating to the salaries of the judges of the Superior Court of Orange County.

**Motion to Re-refer Assembly Bill No. 88**

Senator Kuchel moved that Assembly Bill No. 88 be re-referred to Committee on Local Government.

Motion carried.

**Assembly Bill No. 1401**—An act to amend Sections 737c, 737e, and 737i of the Political Code, relating to judges' salaries.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 74**—An act to amend Section 737j of the Political Code, relating to the salaries of judges of the Superior Court in and for the County of Fresno.

**Motion to Re-refer Assembly Bill No. 74**

Senator Swing moved that Assembly Bill No. 74 be re-referred to Committee on Local Government.

Motion carried.

**President of the Senate Presiding**

At 8.30 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 898**—An act to amend Sections 44, 44.1, 44.3 of, and to add Sections 44.7 and 44.9 to, the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 903**—An act to amend Section 404 of the Vehicle Code, relating to service of process on nonresident.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1259**—An act to amend Sections 377 and 378 of, and to add Section 383.1 to, the Vehicle Code, relating to fees and procedure for refunds.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1261**—An act to amend Sections 451, 454, 476 and 715 of the Vehicle Code, relating to traffic and signs.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1269**—An act to amend Sections 731, 737, and 739.1 of the Vehicle Code, relating to procedure upon arrest.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1577**—An act to suspend the operation of Section 673.5 of the Vehicle Code, relating to operation of vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 700**—An act to amend Section 432.6, and to repeal Sections 990.2, 990.3, 990.4, 990.5, 990.6, and 990.7 of the Fish and Game Code, relating to licenses.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1213**—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1214**—An act to amend Sections 728 and 736 and to repeal Section 738.5 of the Fish and Game Code, relating to fish.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2152**—An act to amend Section 520 of, and to add Sections 520.2, 520.3, and 545 to, the Fish and Game Code, relating to waters in this State and the protection of fish therein.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—Dilworth and Sutton—2.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 28**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Section 12 of Article XIII thereof, relating to the levy and collection of an annual educational poll tax.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 2204**—An act to add Section 6011.5 to the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

The roll was called, and the bill passed by the following vote:

Bill read third time, and presented by Senator Swing.

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1428**—An act to amend Section 9606 of and to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Bill read third time, and presented by Senator Weybret.

#### Motion to Re-refer Assembly Bill No. 1428

Senator Tenney moved that Assembly Bill No. 1428 be re-referred to Committee on Revenue and Taxation.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Burns, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Hatfield, Jespersen, Keating, Kuchel, Mayo, Rich, Sutton, and Tenney—15.

NOES—Senators Carter, Collier, Cunningham, Desmond, Dilworth, Fletcher, Gordon, Hulse, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Ward, and Weybret—20.

#### Further Consideration of Assembly Bill No. 1428.

##### Motion to Pass on File

Senator Desmond moved that Assembly Bill No. 1428 be passed on file.  
Motion carried.



**Assembly Bill No. 677**—An act to amend Sections 2, 3, 4, 6, 7, and 9 of "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provision thereof," approved June 3, 1921, relating to the sale and return of bakery products.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1427**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator Mixter.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1437**—An act to amend Section 10204 of the Government Code, relating to the salary of the Legislative Counsel.

Bill read third time, and presented by Senator Collier.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 939**—An act to amend Section 23 of, and to add Section 23.1 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, and revising the fees and penalties payable by credit unions.

Bill read third time, and presented by Senator Jespersen.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1157**—An act to add Section 23.1 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to costs of examination, audit or investigation.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 2074**—An act to amend Sections 1 and 19 of, and to add Sections 2.5 and 19.5 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision" approved March 31, 1927, relating to the regulation of credit unions.

Bill read third time, and presented by Senator Jespersen.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 27**—Relative to memorializing Congress to enact legislation providing for the prompt return to their homes of runaway, transient, or vagrant children of juvenile age, going from one State to another without proper legal consent, through the use of funds appropriated under the provisions of the Social Security Act for aid to dependent children.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 16**—Relative to memorializing Congress to enact legislation to establish permanent military and naval academies on the Pacific and Gulf Coasts.

Resolution read, and presented by Senator Quinn.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 49**—Relative to commending the general intent and purposes of the Servicemen's Readjustment Act of 1944 and urging early enactment by Congress of pending legislation to remedy incidental defects in said act and to remove initial administrative difficulties thus far encountered.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 785**—An act amending Section 56 of the Civil Code, relating to the granting of permission to minors to marry by the superior court.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 972**—An act to add Sections 1032.5 and 1033 $\frac{1}{2}$  to and to amend Section 1031 of the Code of Civil Procedure, relating to costs and interest after judgment.

Bill read third time.

**Motion to Amend**

Senator Dilworth moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 1 and 2, and insert "An act to amend Section 1031 of, and to add Sections 1032.6 and 1033.7 to, the Code of Civil".

**Amendment No. 2**

On page 2, line 1, of said bill, strike out "1032.5", and insert "1032.6".

**Amendment No. 3**

On page 2, line 3, of said bill, strike out "1032.5", and insert "1032.6".

**Amendment No. 4**

On page 2, line 7, of said bill, strike out "1033½", and insert "1033.7".

**Amendment No. 5**

On page 2, line 9, of said bill, strike out "1033½", and insert "1033.7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 973**—An act to add Section 682.1 to the Code of Civil Procedure, relating to the form of execution on money judgment.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Slater, Ward, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1087**—An act to add Section 538d to the Penal Code, relating to badges or insignia of peace officers.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Ward, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2071**—An act to amend Section 259 of the Probate Code and to repeal Sections 259.1 and 259.2 of the Probate Code, relating to the rights of inheritance of aliens.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Slater, Swing, Ward, and Weybret—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1943**—An act to amend Section 2957 of the Civil Code, relating to the validity of mortgages on personal property or crops.

Bill read third time, and presented by Senator Donnelly.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1930**—An act to amend Sections 7303, 7306 and 7226 of, and to add Section 7307.5 to, the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Jespersen.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 958**—An act to amend Section 5216 of the Education Code, and to add Sections 6929.1 and 6931.1 to said code, all relating to the supervision of instruction in elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Dilworth.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2193**—An act to add Article 10 to Chapter 1 of Division 5 of the Education Code, relating to courses of study.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 97**—An act to amend Section 105 of the Code of Civil Procedure, relating to justices' courts, city courts, and justices and judges thereof.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1339**—An act to amend Section 502 of the Vehicle Code, relating to the penalties for driving an automobile while under the influence of intoxicating liquor.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—30.

NOES—Senators Dilworth, and Donnelly—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1740**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Bill read third time.

#### Motion to Amend

Senator Keating moved the adoption of the following amendment :

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 6, inclusive, and insert

"5054. The alleged mentally ill person shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally ill person, the judge shall appoint an attorney to represent him."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1874**—An act to amend Sections 8902, 8937, 8940, 8954, 8966, and 8970 of, and to add Sections 8971, 8972, 8973, 8974 and 8975 to, the Business and Professions Code, relating to the licensing of yacht and ship brokers and salesmen.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1932**—An act to amend Section 4174 of the Business and Professions Code, relating to pharmacy.

Bill read third time, and presented by Senator Mixter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2040**—An act to amend Section 7059 of, and to add Sections 7055, 7056, 7057 and 7058 to, the Business and Professions Code, relating to contractors.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 713**—An act to add Section 2025 to the Welfare and Institutions Code, relating to the amount of aid to the aged.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 48**—Relative to memorializing the President and Congress to enact S. 807, providing for increases in compensation to Federal employees.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—Senator Powers—1.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 332**—An act to amend Section 96 of the Labor Code, relating to assignment of claims.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 21**—An act to amend Sections 6304, 6344, and 6365 of the Business and Professions Code, and to add Section 6348.1 thereto, relating to county law libraries and boards of trustees thereof.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1402**—An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

Bill read third time, and presented by Senator Dillinger.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2164**—An act to amend the title and Section 2 of an act entitled "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, relating to joint county and municipal buildings.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 2183**—An act to amend Section 4264 of the Political Code, relating to compensation for public service in counties of the thirty-fifth class.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2185**—An act to amend Sections 737q, 737bb and 737vv of the Political Code, relating to the salary of Superior Court judges in Lake County, Napa County and Solano County, respectively.

**Motion to Re-refer Assembly Bill No. 2185**

Senator McCormack moved that Assembly Bill No. 2185 be re-referred to Committee on Local Government.

Motion carried.

**Assembly Bill No. 438**—An act to amend Section 45 of the Elections Code, relating to petitions.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1281**—An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—32.

NOES—Senator Quinn—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 848**—An act making an appropriation for the support of the Youth Authority, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1082**—An act making an appropriation for the encouragement of agricultural fairs.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2180**—An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 47**—Relative to adding Rule 36.5 of the Joint Rules of the Senate and Assembly, relating to Legislative Investigating Committees.

Resolution read, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 4**—A resolution to propose to the people of the State of California an amendment to Section 16 of Article V of the Constitution of said State, relating to succession to the powers and duties of the office of Governor.

Resolution read, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 991**—An act to amend Section 1305 of the Penal Code, relating to bail.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1880**—An act to amend Section 772 of the Probate Code, relating to executors' or administrators' sales of personal property.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 283**—An act to add Section 43.5(a) to the Civil Code, relating to the liability of peace officers making arrests pursuant to warrants.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2070**—An act to amend Sections 46, 47, 48 and 48a of the Civil Code and add a new section to the Civil Code, to be numbered 45a, relating to libel and slander.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1305**—An act to add Section 726.5 to the Political Code, relating to committees of the Judicial Council.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

**NOES**—Senators Carter and Swing—2.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 51?

##### Amendment No. 1

On page 2, line 25, of the printed resolution, as amended in the Senate June 1, 1945, strike out "four", and insert "six".

##### Amendment No. 2

On page 3 of the printed resolution, as amended, strike out lines 8 to 13, inclusive, and insert "Assembly and of the Senate in the proportion of six dollars (\$6) from the Assembly Contingent Fund to each four dollars (\$4) from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 51 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—36.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Hatfield, Powers, and Brown, as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 51 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 11.50 p.m., on motion of Senator Parkman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 2173 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—37.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Assembly Bill No. 929 be taken from the inactive file and placed on the second reading file.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly appointed Messrs. Waters, Fourt, and Maloney as a Committee on Conference concerning:

**Senate Bill No. 1024**—An act to amend Sections 105, 113, 116, 123, 124, and 126 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 54

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

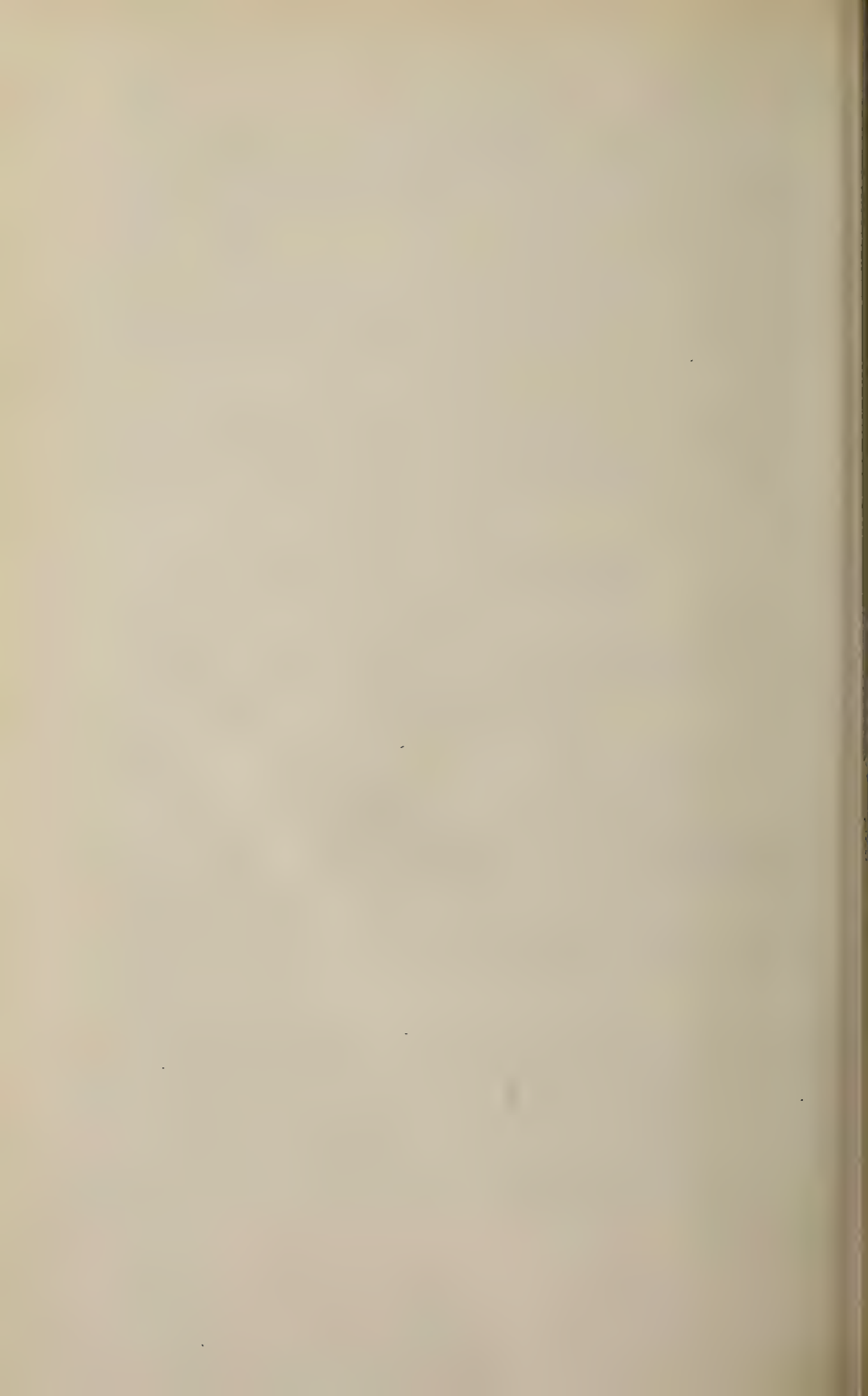
**Assembly Joint Resolution No. 54**—Relative to release by the Federal Government of agricultural land in California for settlement by returning veterans.

Referred to Committee on Rules.

**ADJOURNMENT**

At 11.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Saturday, June 16, 1945.

JOHN F. LEA, Minute Clerk



# CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

# SENATE DAILY JOURNAL

NINETY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED SIXTIETH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, June 16, 1945

The Senate met at 9.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sgt. Harold Monroe, and father, Nelson Monroe of Alturas.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tom Whelan, District Attorney of San Diego, Mrs. Whelan, and Mr. and Mrs. K. G. Bitter, all of San Diego.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Francis F. Crocker of Palm Springs.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James Luly of Angels Camp.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Cpl. Robert R. Ryan of Minneapolis, Minnesota.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jessie Reese.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Harry Rifkind of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Van Aalst of Los Angeles.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day has concurred in Senate amendments to:

Assembly Bill No. 487

Assembly Bill No. 1524

Assembly Bill No. 892

Assembly Bill No. 1415

Assembly Bill No. 2106

Assembly Joint Resolution No. 41

Assembly Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1566**—An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1468**—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 217**—An act to repeal Title 11 of Part 3 of the Code of Civil Procedure, comprising Sections 1730, 1731, 1732, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772, relating to children's courts of conciliation.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes. And appointed Messrs. Waters, Collins, S. J., and Maloney as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators De Lap, Breed, and Collier as a Senate Committee on Conference concerning Assembly Bill No. 915 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your committee on Rules has examined:

**Senate Bill No. 12**—An act to add Section 6366 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law;

**Senate Bill No. 46**—An act to add Section 2181.02 to the Welfare and Institutions Code, relating to aid to the aged, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid;

**Senate Bill No. 300**—An act to amend Sections 1804 and 1829 of the Education Code, relating to the election of school trustees;

**Senate Bill No. 382**—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream;

**Senate Bill No. 520**—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts.

**Senate Bill No. 617**—An act to add Sections 601.5 and 607 to the Agricultural Code, relating to imitation ice cream and imitation ice milk;

**Senate Bill No. 656**—An act to amend Section 883 of and to add Section 904 to the Fish and Game Code, relating to nets;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 675**—An act to amend Sections 643 and 644 of and to add Section 634.5 to the Agricultural Code, relating to milk and cream, and the sanitation of dairy farms and milk products plants;

**Senate Bill No. 759**—An act to amend Section 875.5 of the Fish and Game Code, relating to nets;

**Senate Bill No. 1178**—An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 1238**—An act to add Section 6018 to the Revenue and Taxation Code, relating to the sales and use taxes;

**Senate Bill No. 1244**—An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 10 a.m.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senators Tenney, Burns, and Dilworth:

## Senate Resolution No. 152

Relative to the creation of a Senate Fact-Finding Committee on Un-American activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation

WHEREAS, These are yet times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist attack from without and within. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our freedom by force, violence, threats, undermining and sabotage, and to subject us to the domination of foreign powers and ideologies; and

WHEREAS, There is danger that the ordeal through which the Country has suffered to keep the pursuit of its ideals free may be in vain; and

WHEREAS, Persons and groups, motivated by hatred of American ideals, our republican form of government and democratic processes, some bound together by

allegiance to foreign powers, are even now seeking to achieve by subversion what we have so valiantly fought to sustain from force; and

WHEREAS, California, as one of the laboratories of this great Nation, may profitably study the problem within its boundaries, and enact pertinent legislation therein, if facts are available therefor; and

WHEREAS, State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Fact-Finding Committee on Un-American Activities is hereby created, authorized, appointed and directed to investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to the foregoing, including any facts causing or constituting interference with the National defense program or the war effort in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially.

2. In addition to other duties imposed upon the committee, the committee shall investigate and study the activities of groups and organizations whose membership include persons who are members of organizations who have as their objectives, or part of their objectives, the overthrow of the governments of the State of California or of the United States by force and violence or other unlawful means; to investigate and study all organizations known or suspected to be dominated or controlled by a foreign power which activities affect the conduct of this State in National defense or in its war effort, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by public funds, or any political program, or which may affect the conversion of the State from a wartime economy to a peacetime economy or affect the economic and social problems incidental thereto, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature.

3. In addition to the foregoing, the Senate Fact-Finding Committee on Un-American Activities is authorized and directed to ascertain, study and analyze all facts relating to the activities of persons and groups known or suspected to be dominated or controlled by a foreign power, and who owe allegiance thereto because of religious, racial, political, ideological, philosophical, or other ties, including but not limited to the influence upon all such persons and groups of education, economic circumstances, social positions, fraternal and casual associations, living standards, race, religion, political, ancestry and the activities of paid provocation and any other factors which may account for their conduct or condition their action, as well as the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

4. The committee consists of three Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

5. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until final adjournment of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

6. The committee and its members shall have and exercise all rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership, and to employ and fix the compensation of a secretary and such clerical, investigative, expert and technical assistants as it may deem necessary.

(b) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purposes of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

(c) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee.

(f) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony.

(g) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(h) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(i) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

8. The committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths.

9. Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created.

10. The sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE

#### UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Bill No. 324**—An act to amend Section 12201 of, and to add Sections 12103.5 and 12515 to, the Business and Professions Code, relating to weights and measures.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 324?

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "12024.1,".

##### Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 2 to 19, inclusive.

##### Amendment No. 3

On page 2, line 7, of the printed bill, as amended, strike out "Sec. 2."

##### Amendment No. 4

On page 2, line 13, of the printed bill, as amended, strike out "3", and insert "2".

##### Amendment No. 5

On page 2, line 29, of the printed bill, as amended, strike out "4", and insert "3".

##### Amendment No. 6

On page 2 of the printed bill, as amended, strike out lines 31 and 32, and insert "12515. Any person having made repairs or adjustments for hire to any weighing instrument or to any measuring instrument when not its owner, user or operator nor an employee regularly employed by him, or any person having sold or installed any such instrument, who".

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 9.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 5	Senate Bill No. 546
Senate Bill No. 54	Senate Bill No. 555
Senate Bill No. 91	Senate Bill No. 557
Senate Bill No. 158	Senate Bill No. 588
Senate Bill No. 196	Senate Bill No. 612
Senate Bill No. 268	Senate Bill No. 615
Senate Bill No. 271	Senate Bill No. 795
Senate Bill No. 277	Senate Bill No. 803
Senate Bill No. 307	Senate Bill No. 820
Senate Bill No. 362	Senate Bill No. 850
Senate Bill No. 364	Senate Bill No. 1182
Senate Bill No. 409	Senate Bill No. 1256
Senate Bill No. 444	Senate Bill No. 1297
Senate Bill No. 480	Senate Bill No. 1111
Senate Bill No. 511	Senate Bill No. 934

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2233

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 2223**—An act to amend Section 4017 of the Political Code, relating to consolidation of county offices.

Referred to Committee on Finance.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 276	Senate Bill No. 866
Senate Bill No. 288	Senate Bill No. 880
Senate Bill No. 331	Senate Bill No. 886
Senate Bill No. 336	Senate Bill No. 889
Senate Bill No. 363	Senate Bill No. 1153
Senate Bill No. 369	Senate Bill No. 1228
Senate Bill No. 411	Senate Bill No. 1276
Senate Bill No. 440	Senate Bill No. 1291
Senate Bill No. 449	Senate Bill No. 1292
Senate Bill No. 450	Senate Bill No. 941
Senate Bill No. 502	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.



## ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 66

Senate Joint Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 847

Senate Bill No. 849

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 1295**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1295?

**Amendment No. 1**

Strike out the title of the printed bill, and insert

"An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately."

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Division 22, comprising Sections 29000 through 29067 is added to the Health and Safety Code, to read:

**DIVISION 22. DANGEROUS DRUGS****CHAPTER 1. DEFINITIONS**

29000. Definitions of terms in this division apply to this division only.

29001. "Dangerous drug" means any drug unsafe for self medication and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid or malonylurea derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations thereof that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethylstilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (*other than man*) or poultry and so labeled.

(c) Oils of croton, rue, sassa or tansy or their contained or derived compounds or mixtures thereof.

(d) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof except preparations for topical application only, containing not more than five per cent (5%) strength, and except preparations designed for the purpose of treating animals (*other than man*) or poultry and so labeled.

(e) Thyroid and its contained or derived active compounds or mixtures thereof.

29002. "Person" means and includes any person, partnership, firm or corporation, acting either as principal or agent.

29003. "Furnish" means supply by any means, by sale or otherwise.

29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.

29005. "Physician," "dentist," "chiropodist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes physician and surgeon and also osteopathic physician and surgeon.

29006. "Manufacturer" means a person who derives, produces or prepares drugs. Every manufacturer shall maintain an established place of business; shall keep purchase and use, and sales record; and shall be registered with the board.

29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders but not on prescriptions. Every wholesaler shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board.

29008. "Pharmacy" means a pharmacy licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.

29009. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using hypnotic drugs for scientific or teaching purposes. Every laboratory shall maintain an established place of business; shall keep purchase records and shall be registered with the board.

29010. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy.

29011. "Board" means the California State Board of Pharmacy.

#### CHAPTER 2. OFFENSES

29020. No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the sale of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

29021. No person shall furnish any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.

29022. No person shall refill any prescription for any dangerous or hypnotic drug except upon authorization of the prescriber which may be given with the original prescription, except that a prescription for diphenylhydantoin, aminopyrine, thyroid or the contained or derived active compounds or mixtures of any thereof, or liquid preparations of phenobarbital containing not more than two grains of phenobarbital per ounce, may be refilled for the person for whom prescribed, but only in the amount specified in the prescription.

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Section 29001 except that furnished to such person upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the possession of any said drug by a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier.

29024. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law.

29025. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making.

29026. Every person who violates any provision of this chapter, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than fifty (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Upon a third or subsequent conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter shall institute and maintain proceedings for the forfeiture of such license.

29027. Every person who violates any provision of this chapter by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor shall be punished as for contributing to the delinquency of such minor.

29028. Every person who violates any provision of this chapter with respect to any dangerous drug other than a hypnotic drug is guilty of a misdemeanor.

29029. All fines collected for violations of the provisions of this chapter shall be paid one-half into the State Treasury to the credit of the Contingent Fund of the Board of Pharmacy and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

#### CHAPTER 3. ADMINISTRATION

29040. The California State Board of Pharmacy shall administer and enforce this division.

29041. The board, if after open hearing following due notice to persons who have filled written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this division, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 29026, 29027 and 29028.

29042. Notice of the adoption of any further rules by the board shall be given to interested parties and no person shall be subject to any prosecution for violating any such rules until the board has given due public notice of the adoption of such rules.

29043. The board shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

SEC. 2. Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing penalties for the violation thereof" is amended to read:

Sec. 5a. The following is Schedule "A" referred to in Section 1, viz.: Schedule "A," arsenic, its compounds and preparations, antimony and potassium tartrate, its compounds and preparations, poisonous salts of barium, cowhage, corrosive sublimate and other poisonous derivatives of mercury, cyanide, its compounds and preparations, fluorides, nitroglycerin, strychnine, hydrocyanic acid, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, and poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed four-tenths ( $4/10$ ) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; provided, however, that the following shall not be included in this schedule, pills, or tablets of aloin belladonna and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the Internal Revenue Department of the Federal Government for external use and all economic poisons, as that term is defined in Article 3 of Chapter 7 of Division 5 of the Agricultural Code, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, and poisons containing more than four-tenths ( $4/10$ ) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code, anything in this or any other act to the contrary notwithstanding.

The following is Schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, oil of bitter almond, bromine, chloroform, creosote, conium, cerosolic acid, ether, solution of formaldehyde or formalin, cocculus indicus, all of their preparations; iodine or its tinctures, gelsemium, hyoscyamus, oil of pennyroyal, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol, potassium permanganate, poisonous salts of silver and yellow jasmine.

SEC. 3. Section 26251 of the Health and Safety Code is amended to read:

26251. A drug shall be deemed to be misbranded if it is a drug sold at retail and contains any quantity of amidopyrine, cinchophen, sulfanilamide, thyroïd, or any of its preparations, compounds or derivatives, unless it is sold on an order, or prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Prescriptions containing amidopyrine, cinchophen or sulfanilamide, their compounds, preparations or derivatives issued under this section can not be refilled without the order of the physician, dentist or veterinarian who prescribes the same. Bandages of all types, and preparations and ointments for



external use only, containing 5 per cent or less sulfanilamide, or any of its preparations, compounds or derivatives, are exempt from the provisions of this section. *The provisions of this section are limited by subdivision (b) of Section 29001 and by Section 29022.*

SEC. 4. Section 6a of the act cited in the title hereof and Section 347½ of the Penal Code are, and each of them is, repealed.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV.

#### Amendment No. 3

On page 1 of said bill, strike out lines 2 to 26, inclusive; and strike out page 2.

#### Amendment No. 4

On page 4, line 39, of the printed bill, as amended, strike out the period, and insert "and of the State Bureau of Food and Drug Inspection."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1295 by the following vote:

AYES—None.

NOES—Senators Brown, Carter, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, and Weybret—21.

### MOTION TO APPROVE POSITION OF RULES COMMITTEE

Senator Hatfield moved that the Senate approve the position taken by the Senate Rules Committee in opposing the policy of creating interim committees with a majority of the members from one house.

#### Roll Call Demanded

Senators Hatfield, Tenney, and Parkman demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission. Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 4, 1945, be further amended as follows:

#### Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 28 and insert "majority of the members elected to the Senate,".

BROWN  
POWERS  
MAYO

Senate Committee on Conference

RALPH C. DILLS  
SHERIDAN  
GEDDES

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—35.

NOES—None.



## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 27**—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 27?

**Amendment No. 1**

On page 2, line 16, of the printed measure, as amended, after "systems," insert "State, county and local,".

**Amendment No. 2**

On page 3, line 6, of said measure, after the period, insert "Three of the Senate Members and three of the Assembly Members shall be appointed from the area included within the counties comprising Group 1 as defined in Section 187 of the Streets and Highways Code, and three of the Senate Members and three of the Assembly Members shall be appointed from the area included within the counties comprising Group 2 as defined in said section."

**Amendment No. 3**

On page 4 of the printed measure, as amended, after line 20, insert

"8. No part of the sum above referred to in Paragraph 7 shall be used for charges, expenses or claims incurred or expended for traveling, living or other expenses outside the limits of the State of California."

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 27 by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenny, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 51**

Senator Hatfield moved that Senate Concurrent Resolution No. 51 be re-referred to Committee on Rules.

Motion carried.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 11, 1945, be further amended as follows:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "4(a)", and insert "4a".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 and 9, and insert "Section 4 of this act, for the next preceding calendar year or".

**Amendment No. 3**

On page 1, line 13, of said bill, strike out "by such corporations".

**Amendment No. 4**

On page 1 of said bill, strike out lines 18 and 19, and insert "Section 4 of this act, required to be paid to this State or its".

**Amendment No. 5**

On page 2 of said bill, strike out lines 30 to 51, inclusive; and on page 3, strike out lines 1 to 40, inclusive.

DeLAP  
BREED  
COLLIER

WATERS  
FOURT  
MALONEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

**CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 929**—An act to amend Sections 364, 365, and 402 of the Civil Code, relating to shareholders liability for unauthorized dividends and distributions in liquidation.

Bill read second time, and ordered to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1391**—An act to amend Sections 21, 51, 53, 56, 57, 60, 72, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 554, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1460, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332 of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Section 11881 to the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5, to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations, and making appropriation therefor.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution No. 68**—Relative to creating an Interim Committee on Remodeling the State Capitol.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Joint Resolution No. 30**—Relative to requesting the President and Congress to obtain from the office of Navy Intelligence, the office of Army Intelligence and the Federal Bureau of Investigation reports on all Japanese aliens and American citizens of Japanese ancestry released or to be released to the West Coast, and to make such reports available as a public document.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 9.45 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Assembly amendments to Senate Bill No. 324 concurred in by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuebel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Senate Bill No. 324 ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Resolution No. 131**—Relative to the creation of a Senate Interim Committee on Prepayment of Medical and Hospital Care.

WHEREAS, The cost of medical and hospital care limits its availability to many, and inflicts serious financial damage to others, thus rendering the people of the State physically or economically less fit; and

WHEREAS, Programs for the prepayment of such costs have been devised and recommended, and the Legislature will again at its next session be confronted with similar measures, in which there is a large popular interest, and will be required to take such action as the facts revealed to it warrant, and

WHEREAS, More pertinent facts can be considered by the Legislature if the opinions, practices, and arguments of those interested are first weighed and tested by an investigating committee; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Interim Committee on Prepayment of Medical and Hospital care is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the cost of adequate medical and hospital care and the relationship of that cost toward its availability, and the effect of such cost on the health and happiness of the people; the extent to which programs of private groups and organizations afford such care, the equity of the distribution of the cost thereof, and the classes of persons who are eligible for or participation in such program; the desirability of the adoption of a program administered by the State, and the policies under which such a program should operate; and the experience of State operated plans in other countries; including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendation for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof, and vacancies occurring or existing in the membership of the committee shall be filled by the appointing officer.

3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice-chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuebel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

**Senate Resolution No. 121**—Relating to the creation of a Senate Committee to investigate and determine a construction program to be embarked upon that will provide employment following the relaxation of the war effort, and defining its powers and purposes.

WHEREAS, The Legislature has determined to establish and provide a Postwar Construction Program that will furnish employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort, and has provided for a fund to carry on such construction and has authorized the preparation of necessary plans and specifications and for the doing of the preliminary work necessary to make possible the embarking upon such program immediately following the relaxation of the war efforts; and

WHEREAS, It is desirable that an immediate investigation be made to determine the projects and the construction which will best serve to provide such employment, and which will make available opportunities for employment in all parts of the State; and



WHEREAS, It is necessary that the various State and local agencies authorized to engage in the preparation of plans and specifications and the doing of the preliminary work hereinbefore referred to, have guidance as to the nature and location of the projects deemed by the Legislature to be best suitable for carrying into effect the intention of the Legislature when authorizing such postwar program; now, therefore, be it

*Resolved by the Senate of the State of California,* That there be and is hereby created a committee of the Senate to investigate and ascertain facts, and determine the nature and location of projects which, in the judgment of such committee, should be included in the Postwar Construction Program; and be it further

*Resolved,* That said committee shall consist of nine Members of the Senate, at least seven of which shall be from the rural districts, which committee shall be appointed by the Rules Committee of the Senate; vacancies occurring or existing in the membership of the committee shall be filled by the appointing power; and be it further

*Resolved,* That the committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the adjournment of the Fifty-seventh Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved,* The committee may do anything which is necessary or desirable to represent the interests of the State or any local agency, district, area, group, or person in the State and to that end may correspond, confer, and cooperate with any agency, officer, or other representative of the United States and for that purpose the committee or any designated member or employee of it may travel either within or without the State; and be it further

*Resolved,* The committee shall from time to time consult, advise and cooperate with the Governor, the various State departments and agencies concerning projects to be included in the Postwar Construction Plan, and shall prepare and submit to the Fifty-seventh Regular Session, or any extraordinary session convened prior to the convening of such regular session, of the Legislature the report of its investigations, findings and recommendations concerning the projects, improvements and constructions which the committee deems suitable for such Postwar Construction Program; and be it further

*Resolved,* The Sergeant-at-Arms of the Senate and other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

**Senate Resolution No. 129**—Creating the Senate Committee on Local Government Agencies, and defining its powers and duties.

WHEREAS, Local governmental agencies during recent years have entered upon various types of enterprises for the service of the inhabitants of the several areas over which such agencies, respectively, have jurisdiction and in which they function; and

WHEREAS, These enterprises in increasing number involve the acquisition and use, within and without the areas thus served, of facilities which are operated, many of them, in a proprietary or quasi-proprietary capacity; and

WHEREAS, These circumstances give rise to relationships, contractual and otherwise, between these several agencies and individual citizens and other public agencies, relationships which it is the obligation and responsibility of the State as sovereign to regulate, and the reciprocal obligations of all concerned to clarify and define, in the public interest and for the common weal; now, therefore, be it

*Resolved by the Senate of the State of California*, as follows:

1. The Senate Committee on Local Governmental Agencies is hereby created, and authorized and directed to ascertain, study and analyze all facts relating to the subjects mentioned in the recitals of this resolution, particularly as to the status of cities, counties, and public districts as owners and operators of facilities and properties used by them in the service of their inhabitants, and the civil rights, duties, privileges and responsibilities of such cities, counties and districts toward their inhabitants and toward other persons and public agencies, growing out of, or in any way related to their acquisition, ownership, operation or management of such facilities and properties wherever situate, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Sutton, Swing, Tenney, and Ward—27.

NOES—None.

**Senate Resolution No. 147**—Resolved, by the Senate of the State of California, as follows:

1. The Senate Committee on Interstate Cooperation is hereby created and appointed and authorized and directed to ascertain all facts relating to cooperation between this State and the other States, and with the Federal Government, and to make recommendations thereon for appropriate legislation.

2. The committee shall consist of the persons who are members of the committee created by Section 8001 of the Government Code, as they are appointed from time to time, and shall have the same chairman.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Sutton, Swing, Tenney, and Ward—27.

NOES—None.

**Senate Resolution No. 148**—Relative to the creation of the Senate Interim Committee on Harbors.

Resolution read.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

In line 1 of the paragraph numbered "2.", strike out "three members", and insert "five members".

Amendment read and adopted.

**Further Consideration of Senate Resolution No. 148**

**Senate Resolution No. 148**—As amended—Relative to the creation of the Senate Interim Committee on Harbors.

WHEREAS, The development of the harbors of this State is closely allied to the future commercial development of this State; and

WHEREAS, In the past there has been no integrated legislative program dealing with the facilities, management, and development of the harbors of this State; and



WHEREAS, The need for such a program in the immediate postwar period will be a matter of considerable legislative concern; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Interim Committee on Harbors is hereby created and authorized and directed to ascertain, study, and analyze all facts relating to harbors in this State, their facilities, administration, and development, their relation to other commercial activities in this State, and the experiences of other states and other countries with respect to similar problems, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Donel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

**Senate Resolution No. 144**—Relating to the continuance of the Senate Interim Committee on a State Training School for Boys and for Girls, created by Senate Resolution No. 22 of the Fifty-fifth (Fourth Extraordinary) Session.

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Interim Committee on a State Training School for Boys and for Girls, created by Senate Resolution No. 22 of the Fifty-fifth (Fourth Extraordinary) Session, is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as they may be amended from time to time, become applicable to this committee and its members.

4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses



of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Shelley, Sutton, Swing, Tenney, and Ward—30.

**NOES**—None.

**Senate Resolution No. 123**—As amended—Relating to the creation of a Senate Fact-Finding Committee to investigate, study and consider plans for fish hatcheries, game preserves, rehabilitation of quail, game farms and means and methods of preventing damage of crops by migratory fowl, and all other problems relating thereto and that relate to and affect the southern part of the State.

**WHEREAS**, The southern part of the State of California has for many years been neglected and overlooked in the matter of fish hatcheries, game farms, rehabilitation of quail and game, and the streams and lakes in such part of the State have been inadequately stocked with trout; and

**WHEREAS**, The development of the Colorado River by the construction of dams therein and the diversion of water therefrom in the southern part of the State has created problems peculiar to that part of the State, which problems include, but are not limited to, the determination of the boundary line between California and Arizona as it affects the hunting and fishing rights on the Colorado River, all of which problems require careful study and determination in order to advise the Legislature as to the nature, character and form of legislation required in the solving of such problems and provide recreation and sport for the rapidly increasing population of the southern part of the State; and

**WHEREAS**, The Governor has now appointed to the Fish and Game Commission the Honorable Harvey E. Hastain of Brawley, California, a man experienced and qualified in fish and game matters; and

**WHEREAS**, Said Commissioner Hastain is the only member of the commission from the extreme southern part of the State and will welcome cooperation by a Senate Fact-Finding Committee in the solution of the many problems which will immediately confront him; and

**WHEREAS**, It is desirable and necessary that a committee of the Senate be appointed and authorized to investigate each and all of the foregoing matter and to cooperate with the Fish and Game Commission in the solution of the aforesaid problems and to make a study and report on each and all of said matters; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. A Senate Fact-Finding Committee on Fish and Game Problems as they relate to and affect the southern part of the State is hereby created to investigate, study and determine all questions relating to fish hatcheries, game farms, quail reproduction plans, game preserves, fish and game propagation and to make an investigation and study the location of the boundary line between the State of California and the State of Arizona as it affects fishing and hunting privileges and to investigate and determine all matters of every kind relating to any and all said subjects as they relate to and affect the rights and interests of the sportsmen of the southern part of the State and particularly as relate to all such problems for which the Fish and Game Commission is authorized to take action during the next biennium, and to make and recommend such action to the Fish and Game Commission as said committee shall determine to be in the interest and welfare of the sportsmen of California as the same relate to the southern part of the State.

2. The committee shall consist of three Members of the Senate appointed by the Rules Committee thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

- (a) To select a chairman and a vice chairman from its membership.
- (b) To employ such persons as said committee shall deem necessary to aid said committee in performing the duties herein imposed on it, and to fix the compensation of such employees.
- (c) To cooperate with and secure the cooperation of all voluntary fish and game associations and hunting clubs of southern California interested in such problems, and the cooperation of county, city, and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.
- (d) To report its findings and recommendations to the Senate and to the people from time to time and at any time, not later than herein provided.
- (e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Fish and Game Commission and all officers and officials thereof shall cooperate with said committee and shall furnish to said committee any and all information within its possession concerning any and all said matters, and said commission and its various officers and employees shall, when and if requested, meet with such committee and furnish such committee any and all information in the possession of said commission or its various officers and employees, which shall aid in the solution of such problems.

7. The sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jaspersen, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Sutton, Swing, Tenney, and Ward—27.

NOES—None.

**Senate Resolution No. 127**—As amended—Relative to a Senate Committee on State and Local Taxation to make inquiry into every phase of taxation, creating the committee and defining its powers and duties.

WHEREAS, The economy of the State of California has during the past four years gone through a revolutionary change, so that industry has assumed an increased importance in relation to agriculture, mining, and commerce; and

WHEREAS, This change has resulted in bringing into the State industries and properties of large value which have not previously been considered in our tax structure, and has created new governmental problems; and

WHEREAS, The increased population incident to this change in our economy has also created new governmental problems and made new demands upon both local and State Government; and

WHEREAS, The war industries, though they have given rise to unprecedented revenues for the State, have created new problems requiring large expenditures of money both by the State and local governments; and the tax returns to local government have not been commensurate with the added costs of the services required; and

WHEREAS, The unprecedented growth of motor transportation and the changeover to the use of diesel fuel in motor transportation during the war period, together with the added population of our State and the concentration in industrial centers, has materially changed the requirements for the support of highways, streets, and bridges; and

WHEREAS, The transition from war conditions to peace conditions will create particularly difficult problems for local and State Governments in California, drastically affected both the demands upon Government and the revenue structure; and

WHEREAS, It appears that there may be large sums in the way of Federal subsidies granted both to the State and local governments, in the postwar period, which will directly affect the revenue structure and will require careful examination to coordinate the disposition of these subsidies equitably into the entire revenue program of both State and local government; and

WHEREAS, From the beginning of the State's history, the ad valorem tax has been and still is the fiscal mainstay of local government and has not been adjusted to meet the new conditions; and

WHEREAS, The administration of taxation by the State and by the local governments has not been modernized, in fact has not been materially changed to bring it into line with present or prospective needs; and

WHEREAS, The relative burden of our several taxes on the different classes of taxpayers and different classes of property has not been fully determined; and

WHEREAS, There are new classes of property and rights that have grown up in the State that are not subject to taxation; and

WHEREAS, The return to peace time conditions will undoubtedly see the falling off in revenue from our present taxes and tax rates, coupled with a demand for increased and additional governmental services and the need for greater revenues to meet the cost of such services; and

WHEREAS, Neither the State nor local governments have available to their legislative bodies information concerning all the varied phases of this problem adequate to legislative consideration and action in the endeavor to find and effect a solution; and

WHEREAS, For many years the burdens of Government have been increasing both for the State and local governments, including many fixed charges not controllable by administrative bodies but brought about in answer to the demand of the people expressed in continuing legislation or in constitutional requirements, it is imperative that an appraisal be made so that revenues may be made adequate to meet the demands of Government, both local and State, and the burdens of taxation may be equitably distributed upon and among the several classes of property and of taxpayers; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Committee on State and Local Taxation is hereby created and appointed, and authorized and directed, to ascertain, study, and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution, particularly including but not limited to each phase of each and every tax (as herein defined) imposed in this State by any governmental agency (State, local, or Federal); the incidence and burden of each such tax upon property, business and the taxpayer and the ability of the latter to pay, also the productivity of each such tax in relation to its cost of administration and in relation to the purposes for which imposed, each of which factors of each tax the committee shall consider, weigh, appraise and evaluate with each such factor of every other tax; the present and prospective revenue needs of each agency of Government and the most equitable means of meeting each such need, taking into consideration all of the varied forms of tax now in use or that might be devised and put into use, and all existing sources of revenue and new sources of revenue that might be developed; administrative methods and procedures which now obtain in respect to each such tax and how they might be improved; present and prospective governmental expenditures of each governmental agency and the bearing thereof upon and relation to each and every form of tax now imposed or that might be devised and imposed; and the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subjects of this resolution; and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

4. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. "Tax" as used herein includes:

(a) Every kind of levy, collection, or charge made by the State Government, or by any city, county, city and county, political subdivision, public district, or other State or local public agency, or by the Government of the United States;



(b) Whether imposed for general governmental purposes or for a special purpose;

(c) Whether a property, transfer, franchise, excise, privilege, or other form of tax;

(d) Whether for revenue or for the purpose of regulation, an assessment made in the apportionment of benefits conferred by improvements made, or a charge for services or property rendered or delivered, or of any other nature or for any other purpose whatsoever;

(e) Whether called a tax, an assessment, a fee, a license fee, a registration fee, a rental rate, a sales price, or designated by any other name whatsoever.

7. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Shelley, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

### Senate Resolution No. 142—As amended—Relative to the creation of a Senate Committee on Governmental Reorganization.

WHEREAS, Numerous changes in the organization and administration of State Government are proposed at each session of the Legislature by reason of new circumstances constantly arising which were not contemplated by earlier statutes; and

WHEREAS, The complicated machinery of State Government erected to serve the citizens of this State can function only under law; and

WHEREAS, It is necessary that proposals of changes in governmental organization be studied carefully in order to provide for the most efficient, economical and equitable administration of the laws; and

WHEREAS, In order that the Legislature may act judiciously upon such proposals it is necessary that all facts with reference to Governmental organization and reorganization be studied and placed before it; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

(1) The Senate Committee on Governmental Reorganization is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the organization, functions and administration of State Government and of any department, agency or subdivision thereof, for the purpose of recommending changes and proposed legislation in order to promote efficiency, to reduce or eliminate costs, to provide for the consolidation of functions and removal of duplication, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

(2) The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

(3) The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the 15th legislative day of the next regular session.

(4) The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

(5) The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.



(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(6) The sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

### RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

#### Senate Resolution No. 153

*Resolved*, That the Secretary of the Senate be and he is hereby directed to prepare files of all bills and other records of the Senate and to deposit such books, bills and other records with the Secretary of State as provided by law, to attend to the correspondence of the Senate and to mail to such of the public as may apply therefor copies of legislative enactments as provided in the Joint Rules of the Senate and Assembly. The Secretary is further directed to index, correct, compare and proof-read the Journal of the Senate and make the information therein contained readily available for use of Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-sixth Session of the Legislature, and to complete the compilation of the Constitution and the book on the California Legislature and to attend to the distribution thereof. The Secretary is further directed to prepare and, at the expiration of the bill signing period, have published a Final Calendar of the business of the Fifty-sixth Session, said calendar to comprise the history of all bills introduced, their authors, the number that shall have become laws, those that shall have been read a second time, and any and all such other information as will provide a perfect history of the session's business and a guide for the information of subsequent sessions of the Legislature. When said Final Calendar is prepared, the Secretary is directed to forward one copy to each public library in the State and shall distribute others as by Joint Rule No. 13 provided.

All of the publications above provided for are to be ordered by the Secretary pursuant to the provisions of Senate Rule No. 52 and Joint Rule No. 18 and paid for from the Legislative Printing Fund.

Resolution read and on motion of Senator Powers adopted.

#### Senate Resolution No. 154

WHEREAS, It will be necessary for the Secretary of the Senate subsequent to adjournment to conduct the business of the Senate concluding the Fifty-sixth Session, and perform the duties provided by law, the Standing Rules of the Senate, Joint Rules and resolutions adopted by the Senate and to employ certain necessary assistance incident thereto; therefore be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem as certified by the Secretary of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

**Senate Resolution No. 155**

WHEREAS, The Members of the Senate will desire to have shipped to their various places of residence their bill files, books, stationery and other printed matter at the close of this session; therefore, be it

*Resolved*, That the Sergeant-at-Arms, Joseph F. Nolan, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping the same, properly packed, and to pack and ship the same to said members; and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Senate in favor of said Joseph F. Nolan, in a sum not to exceed one thousand dollars (\$1,000) and the State Treasurer is hereby directed to pay the same; and it is further directed that said Joseph F. Nolan shall furnish the Controller vouchers and receipts for all expenditures made by him.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

**Senate Resolution No. 156**

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of five thousand dollars (\$5,000) in favor of Joseph A. Beck, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, bills from State Department of Finance, H. S. Crocker Company, Newbert Hardware Company, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate (such as employing necessary help, etc.) and performing any duties imposed by the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

By the Committee on Rules:

**Senate Resolution No. 157**

*Resolved*, That Frank N. Killam, Chief of the Bureau of Buildings and Grounds, be, and he is hereby directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Secretary of the Senate pursuant to adjournment of this session until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the Secretary; and be it further

*Resolved*, That the Secretary be and he is hereby made responsible for the safe-keeping of Senate property after adjournment of this session until the Senate shall reconvene again; and be it further

*Resolved*, That the Secretary be directed to deliver a copy of this resolution to the Chief of the Bureau of Buildings and Grounds and a copy to the Director of Finance.

Resolution read, and on motion of Senator Seawell adopted.

## CONSIDERATION OF DAILY FILE (RESUMED)

**Senate Resolution No. 136**—As amended—Relative to the creation of the Senate Committee on shore line development and beach erosion.

WHEREAS, The beaches along the California Coast afford tremendous possibilities for development for recreational purposes which will prove to be an economic asset when tourist travel to this State again will become normal; and

WHEREAS, The Governor of the State of California and others have proposed that the State enter into a program of acquisition of beach lands principally for park and recreational purposes but also in connection with problems arising from beach erosion; and

WHEREAS, In providing for such a program it is essential that the Legislature be fully informed as to the facts regarding the desirability of acquiring available beaches in order that such State Funds as are made available will be expended judiciously and for the best interests of the people of the State; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on shore line development and beach erosion is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the subject of this resolution, including but not limited to the consideration and recommendation of suitable areas that it appears desirable for the State to acquire, and the reasons therefor, and further including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To confer and cooperate with Federal and local agencies and instrumentalities with reference to shore line protection and prevention of erosion and any and all other matters pertaining to the subject of this resolution.

6. The sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—32.

**NOES**—None.

## RESOLUTIONS

The following resolution was offered :

By Senator Slater :

**Senate Resolution No. 158**

Relating to the creation of an interim committee on the State-wide Supervision and Control of the Mentally Deficient in the State, to study, investigate and report on said subject.

WHEREAS, There are reported to be large numbers of mentally deficient and mentally retarded persons residing in the State of California for whom proper care, training or education has not been provided; and

WHEREAS, It is imperative that all pertinent facts bearing upon the mentally deficient and mentally retarded in this State be found, assembled and analyzed to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of an effective plan for the proper welfare of such persons in the State and in the formulation of legislation therefor; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the Legislature through a Joint Interim Committee of the Senate and Assembly charged with the study of every phase of this subject; now, therefore, be it

*Resolved by the Senate*

1. That a committee to be known as the Interim Committee on State-wide Supervision and Control of the Mentally Deficient, consisting of five Members of the Senate appointed by the Rules Committee thereof, is hereby created.

2. The committee is hereby authorized and directed to ascertain, study, analyze and gather all facts relating to the welfare of the mentally deficient and retarded of this State, including but not limited to the operation, effect, administration, enforcement and needed revision or enactment of any and all laws in any way bearing upon or relating to the subject of this resolution. The committee is further authorized to study the problems relating to the identification, supervision, segregation, registration, education, and control of propagation of mentally deficient and mentally retarded persons in or out of the public institutions and schools in our State, and the furtherance of vocational training and education of such persons; and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties :

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of any State, city, county, and other agencies interested in any matter within the scope of this resolution.

(c) To contract with such agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports of the committee as will best assist it to carry out the purposes for which it is created.

(d) To meet at any and all places in this State, in public or executive session, and to take all necessary means to procure testimony and to compel the attendance of witnesses.

(e) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby made available from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.



## REQUEST FOR UNANIMOUS CONSENT

Senator Collier asked for, and was granted, unanimous consent to have the following suggestions to interim committees printed in the Journal:

## Suggestions to Chairmen of Interim Committees

1. Interim committees are granted a fixed and certain life by the resolution creating the committee.  
No expenditures can be incurred prior or subsequent to its existence; however, costs of preparing, typing and printing the final report (if incurred after the final day of the committee's life) is a proper charge.
2. All claims must be approved by the chairman of the committee. This includes claims approved by sub-committee chairmen.
3. All claims for per diem expense, travel, compensation, incidental expense, etc., must be signed by the person to whom the Controller's warrant is to be issued. The claimant's signature must be acknowledged by a Legislator or some other person competent to attest such signature.
4. The following items of expense may be submitted *WITHOUT VOUCHERS*:
  - (a) Per diem expense (dates must be shown).
  - (b) Mileage (dates and points of starting and destination must be shown).
  - (c) Telephone and telegraph charges (no Federal taxes), \$1 and under.
  - (d) Railroad and bus fares (no Federal taxes). (See Pullman accommodations in No. 5.)
  - (e) Taxi fares, \$1 and under.
5. The following items of expense must be submitted *WITH VOUCHERS*:
  - (a) Hotel accommodations (where expense is on actual cost basis).
  - (b) Pullman accommodations (where no mileage is claimed).
  - (c) Purchases of supplies, stationery, etc.
  - (d) Postage, expressage, etc.
  - (e) Payments to casual employees.
  - (f) Telegraph and telephone tolls (no Federal taxes) over \$1 (show party called).
6. All claims for compensation of employees must show:
  - (a) Actual dates for which compensation is claimed.
  - (b) Rate of compensation.
  - (c) Position occupied by employee.
  - (d) Federal withholding tax exemption certificate (if none is on file with Controller).
7. The resolution authorizes mileage (51¢ per mile) *ONLY TO MEMBERS OF COMMITTEE*. No employee is entitled to travel expense unless he actually incurs expense therefor and, then, only in the amount expended. Each employee claiming travel expense must submit the following information:
  - (a) Method of travel.
  - (b) Points of departure and destination.
  - (c) Times of departure and arrival (to substantiate hotel and meal expense).
  - (d) Necessity for travel.
  - (e) Dates on which each item of expense was incurred.

(NOTE.—The Budget Act contains the requirements that before the Controller draws his warrant on the Contingent Funds of each House, he must be in receipt of proper vouchers.)
8. Per diem expense is *ONLY AUTHORIZED FOR MEMBERS OF THE COMMITTEE*. No employee is entitled to per diem expense except on a full 24-hour basis and past practice has been to allow an amount comparable to State employees.
9. Fees for committee reporters is now provided by Chapter 31, Statutes 1945, amending Section 274, Code of Civil Procedure. Statements should be rendered based on the number of words transcribed; folios are not authorized in the above act.
10. Interim committees are usually created to "ascertain, study and analyze all facts" concerning the subject for which the committee was created and to "report its recommendations" to the Legislature.  
The submission of a final report by a committee to the Legislature is its last act; the committee has completed the labor for which it was created. No further expense can be incurred.  
The resolution grants no authority to the committee to purchase additional copies of its final report.  
The committee may purchase additional copies of a partial or preliminary report for distribution to individuals and organizations for the dissemination of information and to aid its membership in gathering additional data to complete the labor for which it was created, viz.: the submission of a final report to the Legislature. (Such a statement should be made when presenting a claim for such a purchase.)

## REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following table pertaining to funds apportioned under Senate Bill No. 608, printed in the Journal:

Approximate Apportionment Under S.B. 608 of \$12,000,000 and 87½ Per Cent of Federal Aid Secondary Funds Among Counties on Basis of ⅓ Each for Area, Rural Population and Post Road Mileage

County Name	Code No.	Appor- tionment of \$12,000,000 under S. B. 608	Appor- tionment of 87½ % of Federal Funds under S. B. 608	Total Appor- tionment
Alameda	60	\$141,000	\$159,147	\$300,147
Alpine	02	22,000	24,397	46,397
Amador	03	53,000	60,118	113,118
Butte	04	188,000	212,471	400,471
Calaveras	05	78,000	87,809	165,809
Colusa	06	82,000	92,956	174,956
Contra Costa	07	167,000	188,075	355,075
Del Norte	08	49,000	55,485	104,485
El Dorado	09	111,000	125,485	236,485
Fresno	10	614,000	693,103	1,307,103
Glenn	11	109,000	123,324	232,324
Humboldt	12	242,000	273,000	515,000
Imperial	13	357,000	402,912	759,912
Inyo	14	301,000	339,500	640,500
Kern	15	529,000	597,265	1,126,265
Kings	16	157,000	177,265	334,265
Lake	17	78,000	87,603	165,603
Lassen	18	190,000	214,221	404,221
Los Angeles	70	1,139,000	1,286,662	2,425,662
Madera	20	163,000	184,265	347,265
Marin	21	99,000	111,279	210,279
Mariposa	22	84,000	95,221	179,221
Mendocino	23	197,000	222,147	419,147
Merced	24	213,000	240,985	453,985
Modoc	25	156,000	175,824	331,824
Mono	26	101,000	117,868	221,868
Monterey	27	253,000	285,971	538,971
Napa	28	104,000	117,456	221,456
Nevada	29	86,000	97,176	183,176
Orange	30	207,000	233,265	440,265
Placer	31	122,000	137,735	259,735
Plumas	32	125,000	141,647	266,647
Riverside	33	462,000	521,294	983,294
Sacramento	34	237,000	268,059	505,059
San Benito	35	89,000	100,985	189,985
San Bernardino	36	779,000	879,941	1,658,941
San Diego	90	303,000	341,765	644,765
San Joaquin	39	286,000	323,029	609,029
San Luis Obispo	40	202,000	228,015	430,015
San Mateo	41	91,000	105,515	196,515
Santa Barbara	42	160,000	181,176	341,176
Santa Clara	43	265,000	298,941	563,941
Santa Cruz	44	83,000	93,162	176,162
Shasta	45	218,000	245,618	463,618
Sierra	46	47,000	52,603	99,603
Siskiyou	47	287,000	324,265	611,265
Solano	48	122,000	137,735	259,735
Sonoma	49	255,000	288,235	543,235
Stanislaus	50	250,000	282,676	532,676
Sutter	51	92,000	103,456	195,456
Tehama	52	159,000	180,044	339,044
Trinity	53	140,000	158,632	298,632
Tulare	54	471,000	532,515	1,003,515
Tuolumne	55	112,000	126,412	238,412
Ventura	56	179,000	202,074	381,074
Yolo	57	116,000	131,353	247,353
Yuba	58	72,000	81,735	153,735
		\$12,000,000	\$13,550,872	\$25,550,872

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 2133**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Bill read third time and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—Senators Donnelly and Shelley—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 467**—An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1490**—An act to add Section 1308 to the Education Code, relating to superintendents, associate superintendents and assistant district superintendents of schools of unified school districts.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2181**—An act to amend Section 13103 of the Education Code, relating to substitute employees of school districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Bill No. 51**—An act to amend Section 10 of, and to add Sections 10a and 10b to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-half class.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1756**—An act amending Section 4300a of the Political Code, relating to fees of county clerk.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 982**—An act to add Section 204f to the Code of Civil Procedure, relating to secretaries of the superior court and fixing salaries.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 563**—An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code, and Section 141 of the Education Code, relating to the salaries of State Officers.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—27.

NOES—Senators Shelley, and Tenney—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 977**—An act to amend Section 18711 of the Government Code relating to affiliations by the State Personnel Board.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1750**—An act to add Section 19399 to the Government Code, relating to employees returning from military service.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1753**—An act to amend Section 19390 of, and to add Section 19401 to, the Government Code, relating to persons in military service.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 219**—An act to amend Section 987 of the Military and Veterans Code, relating to veterans' farm and home loans.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1013**—An act to amend Sections 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2177**—An act to add Section 222.5 to, and to amend Section 225 of, the Labor Code, relating to the requirement by employers of the payment by employees or applicants or prospective employees, or the deduction from their compensation, of fees or costs of medical or physical examinations, as a condition of employment, and providing penalties for violation.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 333**—An act to amend Section 226 of the Labor Code, relating to wages.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 335**—An act to repeal Section 1100 of the Labor Code, relating to political affiliations of employees.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 29**—An act to amend Sections 6302, 6304, 6305 and 6306 of the Education Code, relating to school district budgets.

Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

#### Amendment No. 1

Strike out lines 1 and 2 of the title, of the printed bill, as amended, and insert "An act to amend Section 6301.5 of the Education Code."

#### Amendment No. 2

On page 1, line 1, of said bill, insert

"SECTION 1. Section 6301.5 is added to the Education Code to read:

6301.5. The governing boards of all elementary school districts having an average daily attendance of less than 1,000 in the preceding school year shall submit annually on or before the first day of June and all other districts shall submit on or before the first day of July to the county superintendent of schools a school budget, showing all the purposes for which the school district will need money and the amount of money that will be needed for each of the purposes for the next ensuing school year."

#### Amendment No. 3

On page 2, of said bill, strike out lines 2 to 46, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### RECESS

At 10.45 a.m., on motion of Senator Seawell, the Senate recessed until 11 a.m.

## REASSEMBLED

At 11 a.m., the Senate reconvened. Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 198**—An act to create a medical facility under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing Sections 2680, 2681 and 2682 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a psychopathic hospital for prisoners.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 198?

**Amendment No. 1**

On page 1, line 18, of the printed bill, as amended in the Assembly, May 25, 1945, strike out "Center", and insert "Facility".

**Amendment No. 2**

In line 12 of the title of the printed bill, as amended in the Assembly May 25, 1945, strike out "and making an ap-"; and in line 13, strike out "propriation".

**Amendment No. 3**

On page 2 of the printed bill, as amended in the Assembly May 25, 1945, strike out all of Section 3, lines 42 to 49, inclusive.

**Amendment No. 4**

In line 1 of the title of the printed bill, as amended, strike out "center", and insert "facility".

**Amendment No. 5**

In line 14 of the title of the printed bill, as amended, after "prisoners", insert "and making an appropriation".

**Amendment No. 6**

On page 1, line 10, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 7**

On page 1, line 14, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 8**

On page 2, line 1, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 9**

On page 2, line 3, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 10**

On page 2, line 16, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 11**

On page 2, line 18, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 12**

On page 2, line 21, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 13**

On page 2, line 22, of the printed bill, as amended, strike out ", and shall fix their", and insert a period.

**Amendment No. 14**

On page 2 of the printed bill, as amended, strike out line 23.

**Amendment No. 15**

On page 2, line 25, of the printed bill, as amended, strike out "Ceater", and insert "Facility".

**Amendment No. 16**

On page 2, line 29, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 17**

On page 2, line 33, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 18**

On page 2, line 36, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 19**

On page 2, line 39, of the printed bill, as amended, strike out "Center", and insert "Facility".

**Amendment No. 20**

On page 2 of the printed bill, as amended, after line 41, insert  
 "SEC. 3. The sum of four million eight hundred thousand dollars (\$4,800,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Corrections out of any money in the State treasury, not otherwise appropriated, for the construction of the medical facility, including but not limited to the construction of all necessary buildings and facilities and the furnishing thereof, and the landscaping of the site of said medical facility."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 198 by the following vote:

AYES—Senators Brown, Carter, Collier, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jepsen, Judah, Mayo, McBride, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—None.

Above bill ordered enrolled.

**MESSAGES FROM THE ASSEMBLY**

ARTHUR A. OHNIMUS, CHIEF CLERK  
 SACRAMENTO 14, CALIFORNIA, June 16, 1945

*Honorable Joseph A. Beek, Secretary of the Senate  
 Senate Chamber, State Capitol, Sacramento 14, California*

DEAR MR. BEEK: A motion has been made and carried in the Assembly, instructing me to request the Senate to return Senate Bill No. 849 to the Assembly, for further consideration.

Very truly yours,

ARTHUR A. OHNIMUS  
 Chief Clerk of the Assembly

**MOTION TO RETURN SENATE BILL NO. 849**

Senator Swing moved that Senate Bill No. 849 be returned to the Assembly pursuant to their request.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1307

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.



## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Erwin, Lowrey, and Clarke as a Committee on Conference concerning:

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 915**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1024**—An act to amend Sections 105, 106, 113, 116, 123, 124, and 126 of the Vehicle Code, and to repeal Sections 110 and 112 thereof, relating to the organization of the Department of Motor Vehicles.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 11	Senate Concurrent Resolution No. 50
Senate Constitutional Amendment No. 16	Senate Joint Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 139	Senate Bill No. 1213
Senate Bill No. 415	Senate Bill No. 1304
Senate Bill No. 793	Senate Bill No. 1305
Senate Bill No. 1211	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Donnelly, Hatfield, and Judah as a Senate Committee on Conference concerning Senate Bill No. 1295 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2197

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 2126

Assembly Bill No. 2009

Assembly Bill No. 1763

Assembly Bill No. 2049

Assembly Bill No. 1812

Assembly Bill No. 2233

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 533

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 152

Senate Resolution No. 150

Senate Resolution No. 149

Senate Resolution No. 160

Senate Resolution No. 158

Assembly Joint Resolution No. 54

Assembly Concurrent Resolution No. 73

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 138

Senate Resolution No. 151

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 68

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 151—An act to amend Sections 4266 and 4283 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class and forty-seventh class, respectively;

Senate Bill No. 155—An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 1551, 2141, 3076, 3077, 3078 and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5, relating to the Department of Social Welfare and the Social Welfare Board;

Senate Bill No. 156—An act to add a new section to the Agricultural Code, relating to milk and cream;

Senate Bill No. 166—An act to amend Section 737nn of the Political Code, relating to the salary of judges of the Superior Court in and for the County of San Luis Obispo;

**Senate Bill No. 171**—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties;

**Senate Bill No. 188**—An act to add Section 738.5 to and amend Section 407 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property;

**Senate Bill No. 342**—An act to amend Section 7302 of the Business and Professions Code, relating to the State Board of Cosmetology;

**Senate Bill No. 392**—An act to amend Section 28 of the Agricultural Code, relating to funds;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 451**—An act to amend Section 80 of the Fish and Game Code, relating to District 12B;

**Senate Bill No. 468**—An act to amend Section 422 of the Vehicle Code, relating to accidents involving vehicles;

**Senate Bill No. 518**—An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys;

**Senate Bill No. 530**—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof;

**Senate Bill No. 574**—An act to add Sections 8007 and 8008 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 635**—An act to add Section 3.5 to the County Civil Service Enabling Act, relating to firemen;

**Senate Bill No. 706**—An act to amend Sections 21, 39, 40, and 46 of, to repeal Section 41 of, and to add a new Section 41 to, and to repeal Sections 42, 43, 44, 45, and 47 of, the Alcoholic Beverage Control Act, relating to administrative procedure of the State Board of Equalization;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 837**—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the meetings of county tax collectors and redemption officers or authorized representatives thereof with the Controller;

**Senate Bill No. 1186**—An act to add Chapter 9, comprising Sections 4881 to 4883, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands;

**Senate Bill No. 1242**—An act to amend Section 784 of the Probate Code, relating to sale of real property;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 11 a.m.

SEAWELL, Chairman

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 2197**—An act to amend Section 1090 of the Government Code, relating to official acts and contracts of public officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1226**—An act making an appropriation to the Division of Water Resources, Department of Public Works, for dredging in connection with Mission Bay Park, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1763**—An act to add Chapter 18, comprising Sections 9500 to 9597, inclusive, to Division 3 of the Business and Professions Code, and to repeal Sections 13313 to 13324, inclusive, 13600 to

13608, inclusive, 13610, 13612 to 13616, inclusive, 13650 to 13652, inclusive, 13654 to 13657, inclusive, 13675 to 13677, inclusive, of the Health and Safety Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1812**—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2009**—An act to amend Sections 51, 57, 72, 75, 80 and 112 of the Labor Code, relating to the Chief of the Division of Industrial Welfare, Chief of the Division of Immigration and Housing, Director of Industrial Relations and the Industrial Accident Commission, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2049**—An act making an appropriation for support of the California State War Council, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2233**—An act making an appropriation to the Emergency Fund in Item 275 of the Budget Act of 1945.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 533**—An act to add Chapter 4 to Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out the comma and insert a period.

##### Amendment No. 2

In the title of the printed bill, as amended, strike out lines 4 and 5.

##### Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 45 to 50, inclusive.

##### Amendment No. 4

On page 3 of the printed bill, as amended, strike out lines 1 to 14, inclusive.

##### Amendment No. 5

On page 3 of the printed bill, following line 14, insert

"SEC. 2. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Amendments read and adopted.

Bill ordered printed, and to third reading.



## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Resolution No. 138**—Relating to the appointment of a Senate Committee on the Japanese Problem.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

On the first line of the paragraph numbered 7., strike out "Ten thousand dollars (\$10,000)", and insert "two thousand five hundred dollars (\$2,500)".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Senate Resolution No. 151**—Relative to the creation of the Senate Forestry Study Committee.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

On line 1 of the paragraph numbered 2, after the words "consist of", insert "five".

Amendment read and adopted.

Resolution ordered amended, and to third reading.

## RESOLUTIONS

The following resolution was offered by Senator Powers:

## Senate Resolution No. 159

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite his name, beginning June 15, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

	Per day
Seymour Beek, Page -----	\$3.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—24.

NOES—None.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX of said Constitution, relating to education.

Resolution read.

**Motion to Amend**

Senator Sutton moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, between lines 17 and 18, of the printed measure, as amended, insert "Immediately after the adoption of this section, the State Board of Education heretofore provided for shall divide the State into ten districts, taking into consideration population and area. Appointments shall be made from persons resident in the respective districts. The board may in the year following that in which a decennial census is taken redistrict the State for this purpose, but no person theretofore appointed shall be disqualified by such redistricting until the term for which he was appointed has expired."

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 81**—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Inyo.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No 81?

**Amendment No. 1**

On page 1, lines 4 and 5, of the printed bill, strike out "six thousand dollars (\$6,000)", and insert "seven thousand dollars (\$7,000)".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 81 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, DeLap, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulsc, Jespersen, Judah, Keating, Mayo, McBride, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—24.

**NOES**—None.

Above bill ordered enrolled.

**RESOLUTIONS**

The following resolution was offered:

By Senator Gordon:

**Senate Resolution No. 160**

Relating to the creation of the Senate Committee on Fish and Game Problems

**WHEREAS**, It is important that all pertinent facts bearing upon the fish and game problems of California be found, assembled and analyzed to the end that the Senate may be able to act advisedly in the formulation of legislation to meet and solve those problems; and

**WHEREAS**, The facts can best and most expeditiously be ascertained and analyzed for the information of the Legislature through a committee of the Senate charged with the study of every phase of the subject of fish and game; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Committee on Fish and Game Problems is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to every phase of the fish and game problems of this State including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 91**—An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, DeLap, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1991**—An act to add Section 18676.5 to the Business and Professions Code, relating to boxing.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President of the Senate Presiding

At 11.03 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 800

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### Consideration of Assembly Amendments

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 38, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Section 6.4, 33e, 35, 35a 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, and 47.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 800?

#### Amendment No. 1

On page 6, line 36, of the printed bill, as amended, insert

"25. Wine Rectifier's License ----- \$250.00 per year".

#### Amendment No. 2

On page 14 of the printed bill, as amended, between lines 5 and 6, insert

"(t) A wine rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor or color wine upon which the excise tax imposed by Section 23 has been paid, and whether so cut, blended, rectified, mixed, flavored, or colored by him, or any other person, to package, label, export and sell such products to persons holding licenses issued by the board authorizing the sale of wine. The holder of a wine rectifier's license shall be entitled to apply for and hold a wine importer's license, a distilled spirits manufacturer's or a distilled spirits manufacturer's agent's license. A wine rectifier's license shall not be issued to or held by the holder of a retail off-sale or retail on-sale license. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this act with respect to the excise tax paid by such wine grower on wine sold to a wine rectifier and which has been exported from this State by such wine rectifier or sold for export by such wine rectifier and thereafter actually exported from this State. The board shall make rules and regulations prescribing the procedure for claiming and allowance of such credit."

#### Amendment No. 3

On page 15, line 46, of the printed bill, as amended, strike out "originally".

#### Amendment No. 4

On page 16 of the printed bill, as amended, strike out lines 18 to 26, inclusive.

#### Amendment No. 5

On page 18 of the printed bill, as amended, strike out lines 19 to 22, inclusive, and insert "general licensee shall knowingly employ any person to manage, direct, or conduct said business who does not have the qualifications required of a holder of such license."

#### Amendment No. 6

On page 18 of the printed bill, as amended, strike out lines 45 to 48, inclusive; and on page 19, strike out lines 1 to 10, inclusive.

#### Amendment No. 7

On page 30, line 1, of the printed bill, as amended, strike out "other than beer,".

#### Amendment No. 8

On page 30, line 2, of the printed bill, as amended, after the comma, insert "but not including beer, off-sale beer and wine, beer and wine wholesaler's, and wine grower's licenses,".

#### Amendment No. 9

On page 30 of the printed bill, as amended, strike out lines 5 to 17, inclusive.

#### Amendment No. 10

On page 31 of the printed bill, as amended, between lines 20 and 21, insert

"SEC. 33b. Section 38g is hereby added to the act, to read as follows:

Sec. 38g. The board may adopt such rules and regulations as will foster and encourage the orderly wholesale marketing and wholesale distribution of beer: provided, that no such action shall be taken by the board except after public hearing and ten (10) days notice to all licensed manufacturers of beer in California of the time and place of such hearing and of the character of the action intended to be taken by the board."

#### Amendment No. 11

In line 3 of the title of the printed bill, as amended, after the comma following "37", insert "38,".



**Amendment No. 12**

In line 7 of the title of the printed bill, as amended, after the comma following "38f", insert "38g".

**Amendment No. 13**

On page 19, line 49, of the printed bill, as amended, strike out the period after "notice"; strike out the balance of said line 49 and lines 50 to 52, inclusive, and insert "as provided in Section 40 of this act. If the licensee contests the charges and demands a hearing the proceedings thereon shall be had and conducted as provided in Section 40 of this act, but if no demand for a hearing is had, the board shall proceed to act upon such matter."

**Amendment No. 14**

On page 20, line 10, of the printed bill, as amended, after "board", insert a period; and strike out the balance of said line 10, and all of lines 11 to 21, inclusive, and insert "If the application is contested and a hearing demanded by applicant, such hearing shall be conducted as provided in Section 40 of this act but not otherwise."

**Amendment No. 15**

On page 29 of the printed bill, as amended, between lines 11 and 12, insert

"SEC. 33.1. Section 38 is amended to read:

Sec. 38. [The board shall administer all of the provisions of this act and to that end shall prescribe all necessary rules and regulations to carry out such provisions.] *The board shall make and prescribe such reasonable rules and regulations as may be necessary or proper to carry out the purposes and intent of Section 22 of Article XX of the Constitution and to enable it to exercise the powers and perform the duties conferred upon it by said section or by the provisions of this act, not inconsistent with any of the provisions of any statute of this State (including particularly the provisions of this act and the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code). For the performance of its duties the board shall have the power conferred by Section 353 of the Political Code.*"

**Amendment No. 16**

On page 29, line 51, of the printed bill, as amended, after "against," insert "and provided that the total number of licenses in such county do not then exceed the maximum specified in the second paragraph of this section,".

**Amendment No. 17**

On page 29, line 15, of the printed bill, as amended, after "county", insert ", and provided further that no on-sale general license shall be issued in lieu of or upon the cancellation or surrender of an on-sale beer and wine license".

**Amendment No. 18**

On page 19, line 30, of the printed bill, as amended, strike out "Section 40", and insert "Sections 40 and 41".

**Amendment No. 19**

On page 20, line 4, of the printed bill, as amended, strike out "Section 40", and insert "Sections 40 and 41".

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 800?

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 800 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—22.

NOES—Senators Carter, Desmond, Dillinger, Dilworth, Gordon, and Jespersen—6.

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1810**—An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State System of Parks and Beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities.

Bill read third time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 14 and 15, and insert "for those sections of the State where such facilities are not now available and particularly in the valley, desert, and mountain areas of the interior."

Amendment read.

**Previous Question**

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of the amendment to Assembly Bill No. 1810 offered by Senator Hatfield.

**Roll Call Demanded**

Senators Seawell, Hatfield, and Hulse demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Sutton, Swing, Ward, and Weybret—28.

NOES—Senators Biggar, Breed, DeLap, Dillinger, Keating, Parkman, Quinn, Shelley, Slater, and Tenney—10.

**Assembly Bill No. 1629**—An act to add Section 5157.5 to the Public Resources Code, relating to beach erosion work.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1569**—An act to amend Sections 4101, 4102, 4103, 4104, 4105 and 4106 of the Government Code, and to add Section 4108 thereto, relating to bidding on public work.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1428**—An act to amend Section 9606 of and to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Bill read third time, and presented by Senator Weybret.

**Motion to Postpone Indefinitely**

Senator Tenney moved that further consideration of Assembly Bill No. 1428 be postponed indefinitely.

**Roll Call Demanded**

Senators Desmond, McBride, and Jespersen demanded a roll call.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Kuchel, Mayo, Mixter, Quinn, Salsman, Shelley, Tenney, and Weybret—19.

**NOES**—Senators Carter, Collier, Cunningham, Desmond, Dillinger, Judah, Keating, McBride, McCormack, Parkman, Seawell, and Slater—12.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 563**—An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code and Section 141 of the Education Code, relating to the salaries of State officers.

And appointed Messrs. Field, Erwin, and Dickey as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Tenney, Hatfield, and DeLap as a Senate Committee on Conference concerning Assembly Bill No. 563 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1553**—An act to amend Section 736.3 of the Agricultural Code, relating to stabilization and marketing plans.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 972**—An act to amend Section 1031 of, and to add Sections 1032.6 and 1033.7 to, the Code of Civil Procedure, relating to costs and interest after judgment.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2073**—An act to amend Section 726 of, and to add Section 732.5 to, the Welfare and Institutions Code, relating to the jurisdiction of the juvenile court and to proceedings therein.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel,

Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1338**—An act to amend Sections 16687 and 16732 of the Education Code, relating to the employment of minors.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 825**—An act to amend Section 13841.1 of the Education Code, relating to leaves of absences for persons employed by school districts in positions requiring certification qualifications.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 956**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1098**—An act to amend Section 18192 of the Education Code, relating to the plans, supervision, and construction of school buildings and the definition of school building.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1384**—An act to amend Section 4082 of the Political Code, and to repeal Sections 140 and 2183.1 of the Welfare and Institutions Code, and Sections 6151 to 6154, inclusive, of the Education Code, all relating to the issuance of duplicate warrants.

Bill read third time, and presented by Senator Desmond.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1380**—An act to amend Section 4095 of the Political Code, relating to the numbering, registration and cancellation of warrants.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1383**—An act to repeal Section 6136, to add Section 6136, and to repeal Section 6137 and amend Section 6138 of the Education Code, relating to the cancellation of warrants.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1740**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2189**—An act to add Section 6029 to the Penal Code, relating to plans and specifications for jails, prisons, and other places of detention.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 112**—An act to add Section 1288. to the Business and Professions Code, relating to clinical laboratories.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 392**—An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to work and services performed for the Los Angeles County Flood Control District.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 12**—Memorializing Congress to enact legislation allowing the award of interest at the legal rate to successful employee claimants in claims adjusted under the Railway Labor Act.

**Motion to Re-refer Assembly Joint Resolution No. 12**

Senator Seawell moved that Assembly Joint Resolution No. 12 be re-referred to Committee on Labor.

Motion carried.

**Assembly Bill No. 876**—An act to amend Sections 1295, 1296, 1299, 1300, 1395, and 2661 of, to add Sections 1290, 1290.1, 1290.5, 1291.5, 1292, 1293, 1294, 1295.6, 1298, 1298.5, 1301, 1391, 1391.1, 1391.5, 1394 and 1394.5 to, and to repeal Sections 1290, 1292, 1293, 1294, 1298, 1301, 1391 and 1394 of, the Labor Code, relating to employment.

Bill read third time, and presented by Senator Shelley.

**Motion to Postpone Indefinitely**

Senator Weybret moved that further consideration of Assembly Bill No. 876 be postponed indefinitely.

**Roll Call Demanded**

Senators Shelley, Cater, and Judah demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Burns, Cunningham, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Slater, Swing, and Weybret—20.

NOES—Senators Carter, Collier, Crittenden, DeLap, Dillinger, Dorsey, Fletcher, Jespersen, Keating, McBride, McCormack, Quinn, Salsman, Seawell, Shelley, Tenney, and Ward—17.

**Assembly Bill No. 166**—An act to amend Section 651 of the Elections Code, relating to members of precinct boards.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Mayo, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 3.1 to Article IX of said Constitution, relating to county superintendents of schools.

Resolution read third time, and presented by Senator Mayo.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—Senators Biggar, Carter, Collier, Cunningham, Jespersen, Keating, Mixer, Quinn, Rich, and Seawell—10.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 595**—An act to amend Sections 5453, 5457, 7102, 7103, 7135, 7136, 7202, 7203 and 7205 of the Education Code, to add Sections 7105.2 and 7137.2 to said code, and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly:

**Assembly Bill No. 413**—An act to add Section 4041.5a to the Political Code, relating to the power of the board of supervisors to provide operas and other entertainment.

**Motion to Re-refer Assembly Bill No. 413**

Senator McBride moved that Assembly Bill No. 413 be re-referred to Committee on Local Government.

Motion carried.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 2197, 1226, 1763, 1812, 2009, 2049, 2233 and 533 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.  
**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 134**—An act to amend Section 4661 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read third time.

##### Motion to Amend

Senator Shelley moved the adoption of the following amendment:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert "4661. Where an injury causes both temporary and permanent disability, the injured employee is not entitled to both a temporary and permanent disability payment, but only to the greater of the two, *except that where the temporary disability payment exceeds 25 per cent of the permanent disability payment the injured employee shall be paid 75 per cent of such permanent disability payment in addition to the temporary disability payment.*"

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 791**—An act to amend an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan associations," approved June 12, 1931, to increase the salary of the Building and Loan Commissioner.

Bill read third time.

##### Motion to Amend

Senator McBride moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, after "amend", insert "Section 13.01 of the Building and Loan Association Act and Section 2 of".

##### Amendment No. 2

In line 11 of the title of said bill, strike out "to increase the", and insert "relating to the appointment and".

##### Amendment No. 3

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 13.01 of the Building and Loan Association Act is amended to read:

SEC. 13.01. In General. The office of the Building and Loan Commissioner is hereby created, which office shall be a continuation of the office of Building and Loan Commissioner created by Chapter 354 of the Statutes of 1911. The Building and Loan Commissioner shall be appointed by the Governor, *with the consent of the Senate*, and shall hold office at the pleasure of the Governor. He shall receive such compensation as shall be prescribed or authorized by law. Before entering upon the duties of his office, he shall take and subscribe an oath of office and execute an official bond in the



penal sum of fifty thousand dollars, with sufficient surety or sureties as provided by law. The commissioner shall be charged with the administration and enforcement of this act, and of all other laws relating to or affecting the incorporation, organization, business, operation, merger, consolidation, dissolution or liquidation of associations subject to this act, and shall have and may exercise all of the powers necessary or convenient for such purposes. Except as otherwise expressly provided by this act, none of the records of the commissioner shall be deemed to be public documents nor be open to the inspection of the public, except any report made by any association to the commissioner and the annual report made by a public accountant or accountants. If in the judgment of the commissioner, the public welfare or the welfare of any association demands that any such report or any information therein contained be not made public he may in his discretion withhold such report or such information from inspection by the public or by any investor for such time as in his judgment is necessary.

SEC. 2. Section 2 of the second act cited in the title hereof is".

#### Amendment No. 4

On page 1 of said bill, in lines 4 and 5, strike out "seven thousand five hundred dollars (\$7,500)", and insert "ten thousand dollars (\$10,000)".

#### Amendment No. 5

On page 2 of said bill, after line 9, insert

"The increase in salary provided herein shall be effective only as to a commissioner appointed by the Governor with the consent of the Senate."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### RECESS

At 11.15 a.m., on motion of Senator Seawell, the Senate recessed until 11.30 a.m.

#### REASSEMBLED

At 11.30 a.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

#### Call of the Senate

Senator Sutton moved a call of the Senate.

Motion carried. Time, 11.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 75

Assembly Concurrent Resolution No. 76

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Concurrent Resolution No. 75**—Relating to the feasibility of acquiring Donner Lake for a State Park.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 76**—Relative to extending birthday greetings to Fred B. Wood.

Referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 25  
Senate Bill No. 19  
Senate Bill No. 48  
Senate Bill No. 272  
Senate Bill No. 436  
Senate Bill No. 551  
Senate Bill No. 558  
Senate Bill No. 630

Senate Bill No. 747  
Senate Bill No. 1021  
Senate Bill No. 1022  
Senate Bill No. 1031  
Senate Bill No. 1033  
Senate Bill No. 1262  
Senate Bill No. 1284

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 85  
Senate Bill No. 154  
Senate Bill No. 265  
Senate Bill No. 378  
Senate Bill No. 414  
Senate Bill No. 453  
Senate Bill No. 585  
Senate Bill No. 610

Senate Bill No. 660  
Senate Bill No. 926  
Senate Bill No. 944  
Senate Bill No. 995  
Senate Bill No. 1020  
Senate Bill No. 1296  
Senate Bill No. 1302

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Constitutional Amendment No. 13**—Proposed amendment to Article XII, Section 22, of the Constitution, relative to the organization and powers of the Public Utilities Commission.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1197

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 521

Senate Bill No. 1055

Senate Bill No. 855

Senate Bill No. 1246

Senate Bill No. 953

Senate Bill No. 1279

Senate Concurrent Resolution No. 22

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## RESOLUTIONS

The following resolutions were offered:

By Senator Crittenden:

## Senate Resolution No. 161

Relative to a Committee on Water Problems, creating the committee and defining its powers and duties

WHEREAS, The conservation and utilization of the water resources of our State is of paramount importance, including particularly flood control and river flow control and equation; and

WHEREAS, Much State legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much Federal legislation now pending and in contemplation for enactment which would provide for various Federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, It is a question also how rapidly the water resources of the State should be developed to meet the increasing economic demands of the State and to keep pace therewith, including the decision as to which watersheds should be developed first and in what order, or if all should be developed concurrently; and

WHEREAS, There is the as yet unsolved problem of carrying on this development without foreclosing the future development of the mountain areas in which these waters originate and have their source; and

WHEREAS, There is doubt and uncertainty concerning the means best adapted to avoid injury to fish life and other wild life, in fostering the maximum beneficial use of water; and

WHEREAS, The recreational needs of the State must also be taken into consideration; now, therefore, be it

*Resolved by the Senate of the State of California, As follows:*

1. The Senate Committee on Water Problems is hereby created and appointed, authorized and directed, to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution, particularly including but not limited to any and all phases of flood control, river flow control and equation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State, and the best means of cooperation with Federal, local and other governmental agencies, and the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subjects of this resolution; and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee consists of five Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

- (a) To select a chairman and a vice chairman from its membership.
- (b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.
- (c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.
- (d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars (\$5,000), or as much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and re-referred to Committee on Rules.

By Senator Desmond:

**Senate Resolution No. 162**

Relating to printing of prayers of Reverend Dr. Clarence A. Kircher

WHEREAS, The Reverend Dr. Clarence A. Kircher, Chaplain of the Senate during the Fifty-sixth Session, by his prayers each day has brought to this body valuable inspiration and has reminded the members of their obligation to their God and to their fellowman, to the State and to the Nation; and

WHEREAS, His intellectual attainments have compelled the admiration of all within his hearing and have won the personal regard of all the members; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Secretary of the Senate be and he is hereby authorized and directed to have printed 250 booklets containing the prayers offered at this session and that he send one of said booklets to each Member of the Senate and the remaining booklets to the Reverend Dr. Clarence A. Kircher.

Resolution read, and referred to Committee on Rules.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 344**—An act to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, 6.05, and 6.08 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares;

**Senate Bill No. 486**—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools;

**Senate Bill No. 579**—An act to amend Section 7405 and add Section 7413 to the Health and Safety Code, relating to burial and removal permits;

**Senate Bill No. 602**—An act to add Chapter 4 to Part 3 of the Harbors and Navigation Code, relating to the issuance of revenue bonds, and declaring emergency;

**Senate Bill No. 651**—An act to add Section 1622 to the Health and Safety Code, relating to biologics;

**Senate Bill No. 822**—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers;

**Senate Bill No. 830**—An act to add Sections 10601.5 and 10605.5 to the Health and Safety Code, relating to birth certificates of persons whose time and place of birth are unknown;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 12 m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 834**—An act to add Chapter 2.1, comprising Sections 2700 to 2707, inclusive, to Part 5, Division 1 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately;

**Senate Bill No. 899**—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments;

**Senate Bill No. 906**—An act to amend Section 368 of the Agricultural Code, relating to licensing of cattle buyers;

**Senate Bill No. 908**—An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale;

**Senate Bill No. 976**—An act to amend Section 737rr of the Political Code, relating to the salaries of judges of the Superior Court in the County of Santa Cruz;

**Senate Bill No. 1032**—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class;

**Senate Bill No. 1177**—An act to add Section 592 to the Vehicle Code, relating to parked vehicles;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 12 m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1274**—An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of water-courses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 12 m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1278**—An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, power, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower

municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency.

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 12 m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1283**—An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

**Senate Bill No. 504**—An act to amend Sections 192 and 193 of the Penal Code, relating to manslaughter and the punishment thereof.

**Senate Bill No. 925**—An act to amend Sections 13307, 13409, 13554, 13671, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of Division 2 of the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 12 m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 30**

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules to which were referred:

**Senate Resolution No. 161**

**Assembly Concurrent Resolution No. 75**

**Senate Resolution No. 162**

**Assembly Concurrent Resolution No. 76**

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote; Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Joint Resolution No. 52**—Relating to the report and recommendations of the Association of Land-Grant Colleges and Universities on postwar agricultural policy, and urging various Federal, State and private agencies to study and implement the objectives therein set forth.

Resolution read, and presented by Senator Sutton.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Jepsen, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—21.

**NOES**—Senator Hatfield—1.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 2031**—An act to add Section 645.1 to the Probate Code, relating to the setting aside of certain estates.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2225**—An act to amend and renumber Section 759 of the Political Code, as added by Chapter 414 of Statutes of 1907, relating to reporters for district courts of appeal.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1775**—An act to amend Section 410 of the Code of Civil Procedure, relating to sufficiency of proof of service of lost summons.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 625**—An act to amend Sections 8404 and 8503 of the Education Code; to repeal Section 8501 of said code; and to add Section 8505 to said code, all relating to admission to the public schools.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 735**—An act to amend Section 18102 of the Education Code and to repeal Section 18104 of said code, relating to the Public School System.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, and Tenney—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 736**—An act to amend Sections 19153 and 19154, relating to elementary school district library funds.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Sutton, and Tenney—25.  
NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2191**—An act to add Article 3 to Chapter 9 of Division 4 of the Education Code, relating to the education of minors in tuberculosis wards, hospitals or sanatoriums.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2216**—An act to amend Section 7435 of and to add a new section numbered 7439 to the Education Code, relating to school bonds, declaring the urgency of this act and providing that the same shall take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—30.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1911**—An act to add Section 583.5 to the Code of Civil Procedure, relating to dismissal of actions, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator DeLap.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—30.  
NOES—None.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 175**—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time, and presented by Senator Jespersen.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, and Tenney—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 777**—An act to amend Section 1 of "An act providing that revenues, rents and proceeds from lands within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund, and making an appropriation," approved June 8, 1943, relating to disbursement of revenues, rents, and proceeds received by the Reclamation Board.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 36**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 2.1 to Article IX of said Constitution, relating to Deputy and Associate Superintendents of Public Instruction.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—28.

**NOES**—Senators Burns, Judah, Keating, and McCormack—4.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 364**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1075**—An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1076**—An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Weybret.

Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 163**—An act to amend Section 4041.5 of the Political Code, relating to the expenditure of tax money for making plans and arrangements for worlds' fairs and other fairs and expositions.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1452**—An act to repeal an act entitled "An act declaring all buildings and places nuisances, wherein or upon which any spirituous, vinous, malt or other alcoholic liquor is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such liquors, and providing for the abatement of such nuisances," approved April 28, 1915, relating to abatement of nuisances in the unlawful sale, gift or serving of intoxicating liquors.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Sutton, Swing, Tenney, and Weybret—29.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1914**—An act to amend Section 18850 of the Government Code, relating to compensation.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 578**—An act to amend Section 12500 of the Health and Safety Code, relating to fireworks, declaring this act to be an urgency measure, and providing that it shall take effect immediately.

Bill read third time, and presented by Senator Carter.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Swing—29.

NOES—Senator Burns—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2089**—An act to amend Sections 15002, 15294, 15295, 17704, and 17811 of the Health and Safety Code, relating to housing.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 839**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—32.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 405**—An act to amend Section 4300c of the Political Code, relating to the fees of county recorders.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2068**—An act to add Chapter 27 to Part 3 of Division 7 of the Streets and Highways Code, relating to the construction of sidewalks and curbs, establishing a procedure therefor, and providing for the assessment and collection of the costs of the construction of such sidewalks and curbs.

Bill read third time, and presented by Senator Salsman.



The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater Sutton, Swing, and Tenney—28.

NOES—Senators Gordon and Quinn—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1210**—An act to add Article 4 comprising Sections 16470 to 16476, inclusive, to Chapter 3 of Part 2 of Division 4 of the Government Code, relating to investment of surplus State funds, creating the Surplus Money Investment Fund, making an appropriation, and declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Shelley.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1146**—An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System.

#### Motion to Re-refer Assembly Bill No. 1146

Senator Shelley moved that Assembly Bill No. 1146 be re-referred to Committee on Governmental Efficiency.

Motion carried.

**Assembly Bill No. 1382**—An act to add Section 352.5 to the Political Code, relating to traveling expenses.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dillworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—Senator Powers—1.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 35**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 22 of Article V thereof, relating to the compensation of State officers.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1779**—An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, relating to police courts in cities of the second class.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1787**—An act to amend Sections 103g and 103h of, and to add Section 103l to the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1794**—An act to add Section 4.7 to The Planning Act and Section 18.5 to the State Conservation and Planning Act, relating to regional, county, and city planning commissions and the governing bodies of school districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2229**—An act to amend Section 4 of the Planning Act, relating to the powers and duties of the Planning Commission, including street naming and house-numbering.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 57**—An act to repeal Section 469 and to amend Section 362 of the Streets and Highways Code, relating to highways.

Bill read third time, and presented by Senator McCormack.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1923**—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2092**—An act to add Section 3.5 to the California Airport District Act, relating to the organization of airport districts.

Bill read third time, and presented by Senator McCormack.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1472**—An act to amend Sections 265, 268, and 272 of the Vehicle Code, relating to the issuance of chauffeurs' licenses.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2143**—An act to amend Section 3 of an act entitled "An act defining the civil liability for failure to control fire," approved June 12, 1931, relating to the expenses of fighting fires.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1310**—An act to amend Sections 5460, 5463, 6462 and 6486 and to repeal Sections 5461 and 5464 of the Health and Safety Code, and relating to sanitation.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—30.

**NOES**—Senators Dilworth and Donnelly—2.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to have the following communication and resolution from the State Board of Equalization, printed in the Journal:

STATE BOARD OF EQUALIZATION, STATE OF CALIFORNIA

SACRAMENTO, June 16, 1945

*Honorable Ralph E. Swing, State Senator  
State Capitol, Sacramento, California*

DEAR SENATOR SWING: We have been informed that the Senate and Assembly have passed Senate Bill No. 800.

During the past few days some debate has been occasioned by one of the provisions of this bill, Section 38(g). As you know, this section is merely a restatement of the law now found in Section 38(e) of the Alcoholic Beverage Control Act.

In reenacting this provision of law, the Legislature has renewed its expression of confidence in the fairness and integrity of the State Board of Equalization.

In view of the interest shown in Section 38(g) of Senate Bill No. 800, this board has adopted a resolution of policy with respect to its administration of this section of the present law, or the restatement in Senate Bill No. 800, which is attached hereto. The resolution states that the board will, in the public interest, consider or adopt only such rules as will promote free commerce for all beer manufacturers, whether located within or without the State, and will give fair and equal opportunity to all. We believe that the public purposes served by the Alcoholic Beverage Control Act will be better served by uniformity of administration, regulation and business practice.

We respectfully request that the attached resolution be read and printed in the Senate Journal as a statement of the board's intention to carry out the public purposes of this legislative enactment.

Very truly yours,

R. E. COLLINS, Chairman

#### RESOLUTION

Introduced by: William G. Bonelli, James H. Quinn, George R. Reilley, R. E. Collins.

WHEREAS, Senate Bill 800 contains a provision which has been the subject of recent controversy, relative to rule making powers of the State Board of Equalization to foster and encourage the orderly wholesale marketing of beer, and known as Section 38g, and



WHEREAS, Section 38g is a restatement of the law which has been contained in Section 38e of the Alcoholic Beverage Control Act since 1937, and has been interpreted by the then Attorneys General U. S. Webb and Earl Warren, and applied by the State Board of Equalization on two occasions only, and

WHEREAS, The purpose of the provision is to enable the State Board of Equalization to give equality of opportunity to all beer manufacturers to do business in this state, pursuant to the beneficent restrictions of the Alcoholic Beverage Control Act adopted in the public interest, and

WHEREAS, In eight years of administration the only now effective rule adopted under this provision is one which merely requires out of state brewers and other beer distributors to promise to obey the provisions of the California Alcoholic Beverage Control Act in their transactions in California and to report their sales in California for tax purposes, in accordance with the requirements imposed on California brewers and distributors, and

WHEREAS, Under the provisions of the 21st Amendment to the United States Constitution each state retains power to control traffic in alcoholic beverages within its boundaries, and equal regulation is desirable with respect to licensed manufacturers located within and without each state's jurisdiction, in connection with transactions in alcoholic beverages in each such state, and

WHEREAS, Section 38g of Senate Bill 800 furnishes the means of securing such equal and uniform administration, regulation, and marketing opportunity; Now Therefore Be It

*Resolved*, that the State Board of Equalization does hereby declare its policy as evidenced by eight years of administration, to consider and adopt under the provisions of Section 38e of the Alcoholic Beverage Control Act, or the provisions of Section 38g of Senate Bill 800, if enacted, only such rules as will not constitute trade barriers, but will permit the full and free flow of commerce in beer in this state, with fair and equal opportunity to all beer manufacturers, whether located within or without this State, in accordance with the legal principles expounded by the Attorney General of this State, and with the desire to promote free commerce between the several states.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

###### Consideration of Assembly Amendments

**Senate Bill No. 533**—An act to amend Section 73700 of the Political Code, relating to salaries of judges of the Superior Court in and for the County of San Mateo.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 533?

###### Amendment No. 1

In line 1 of the title of the printed bill, strike out "737s", and insert "73700".

###### Amendment No. 2

In line 3 of the title of said bill, strike out "Los Angeles" and insert "San Mateo".

###### Amendment No. 3

On page 1, line 1, of said bill, strike out "737s", and insert "73700".

###### Amendment No. 4

On page 1, line 3, of said bill, strike out "737s" and insert "73700".

###### Amendment No. 5

On page 1, lines 4 and 5, of said bill, strike out "Los Angeles is twelve thousand dollars (\$12,000)", and insert "San Mateo is ten thousand five hundred dollars (\$10,500)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 533 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuebel, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 541**—An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 541?

**Amendment No. 1**

On page 1, line 10, of the printed bill, as amended, strike out "grades", and insert "classes".

**Amendment No. 2**

On page 1, line 11, of the printed bill, as amended, strike out "inspec".

**Amendment No. 3**

On page 1, line 12, of the printed bill, as amended, strike out "tor," and after "from", insert "promotional".

**Amendment No. 4**

On page 1, line 14, of the printed bill, as amended, strike out "grades", and insert "class".

**Amendment No. 5**

On page 1, line 15, of the printed bill, as amended, strike out "grades", and insert "classes".

**Amendment No. 6**

On page 1, line 17, of the printed bill, as amended, strike out "grades", and insert "classes".

**Amendment No. 7**

On page 1 of the printed bill, strike out lines 19 to 31, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 541 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—34.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to loans, charges and the establishment of offices and places of business.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 564?

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, strike out "deduct", and insert "collect and receive".

**Amendment No. 2**

On page 3, line 10, of said bill, after the period, insert "For the purpose of computing the charges set forth in this paragraph, a month shall be any period of 30 consecutive days."

**Amendment No. 3**

On page 3, line 39, of said bill, after "company", insert a comma and "in addition to all other charges herein provided,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 564 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—33.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 629**—An act to amend Section 19432 of the Education Code, relating to civic centers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 629?

**Amendment No. 1**

On page 1 of the printed bill, as amended March 19, 1945, strike out lines 10 to 15, inclusive.

**Amendment No. 2**

On page 1 of said bill, strike out line 18, and insert

"Any person who is affiliated with any organization, which".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 629 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 1015**—An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1015?

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 14 to 25, inclusive, and insert

"270. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county a sum of money not less than that represented by a rate of one-tenth of one mill (\$.0001) on each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriate for expenditure therefor in that county during the next succeeding fiscal year."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1015 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 856**—An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 856?

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 4 and 5, and insert "market value of vehicles for the calendar years 1945, 1946 and 1947."

**Amendment No. 2**

On page 1, line 11, of the printed bill, strike out "class of".

**Amendment No. 3**

On page 1, line 13, of the printed bill, strike out "1944", and insert "1945".

**Amendment No. 4**

On page 1, line 14, of the printed bill, strike out "1945", and insert "1946".

**Amendment No. 5**

On page 1, line 16, of the printed bill, strike out "1945", and insert "1946".

**Amendment No. 6**

On page 1, line 17, of the printed bill, strike out "1945", and insert "1946".

**Amendment No. 7**

On page 1, line 18, of the printed bill, strike out "1946", and insert "1947".

**Amendment No. 8**

On page 1, line 20, of the printed bill, strike out "1946", and insert "1947".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 856 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1092**—An act to amend Section 11 and Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1092?

**Amendment No. 1**

On page 2, line 20, of the printed bill, as amended, strike out "paid", and insert "payable".

**Amendment No. 2**

On page 2, line 23, of said bill, strike out "paid", and insert "payable".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1092 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1257**—An act to create a flood control district to be called San Diego County Flood Control District; to provide for investigations by the district and other local public agencies furnishing, or having the legal power to furnish, flood control protection or water for beneficial use in any watershed, any part of which is within the County of San Diego, pertaining to flood protection and water service in any such watershed.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1257?



**Amendment No. 1**

On page 19 of the printed bill, as amended, after line 7, insert

"SEC. 36. The provisions of this act shall not be deemed to permit the San Diego County Flood Control District either:

(a) To exercise the right of eminent domain as to the water system or any interest therein of any public agency.

(b) To exercise any supervision or control in any manner whatsoever over any of the affairs or policies with respect to the water systems of any public agency.

As used in this section, "water system" includes but is not limited to all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated, or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement of water for power, irrigation, reclamation, or manufacturing or for municipal, domestic, or other beneficial use and includes any property, real or personal, which the governing body of any public agency declares by resolution is being held by the public agency for future use for such purposes.

As used in this section, "public agency" means irrigation district, water authority, and city, whether chartered or unchartered.

In case the provisions of this section conflict with any other provisions of this act, the provisions of this section control over such other provisions."

**Amendment No. 2**

On page 13, line 32, of the printed bill, as amended, strike out "The infor-"; and strike out lines 33 to 37, inclusive, and insert "The creation of any zone in the San Diego County Flood Control District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1944-45 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 3720 of the Political Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the San Diego County Flood Control District."

**Amendment No. 3**

On page 17, line 10, of the printed bill, as amended, strike out "In case any street, road, highway, railroad"; and strike out lines 11 to 22, inclusive, and insert "If by judgment in condemnation or by agreement the district".

**Amendment No. 4**

On page 17, line 23, of said bill, strike out "such".

**Amendment No. 5**

On page 5, line 30, of the printed bill, as amended May 11, 1945, after the comma following "otherwise", insert "provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated."

**Amendment No. 6**

On page 5, line 30, of said bill, strike out "and", and insert "The district shall also have and may exercise the right".

**Amendment No. 7**

In line 2 of the title of the printed bill, as amended, strike out "the control"; and strike out the remainder of the title, and insert "investigations by the district and other local public agencies furnishing, or having the legal power to furnish, flood control protection or water for beneficial use in any watershed, any part of which is within the County of San Diego, pertaining to flood protection and water service in any such watershed."

**Amendment No. 8**

On page 2 of said bill, strike out lines 3 to 29, inclusive.

**Amendment No. 9**

On page 2, line 30, of said bill, strike out "5", and insert "3".

**Amendment No. 10**

On page 2 of said bill, strike out lines 34 to 36, inclusive.

**Amendment No. 11**

On page 2, line 37, of said bill, strike out "3", and insert "2".

**Amendment No. 12**

On page 2 of said bill, strike out lines 38 to 52, inclusive; strike out pages 3 to 5, inclusive; and on page 6, strike out lines 1 to 28, inclusive.

**Amendment No. 13**

On page 6, line 29, of said bill, strike out "7", and insert "5".

**Amendment No. 14**

On page 6 of said bill, strike out lines 35 to 39, inclusive.

**Amendment No. 15**

On page 6, line 40, of said bill, strike out "8", and insert "6".

**Amendment No. 16**

On page 7, line 5, of said bill, strike out "9", and insert "7".

**Amendment No. 17**

On page 7 of said bill, strike out lines 20 to 51, inclusive; strike out pages 8 to 14, inclusive; and on page 15, strike out lines 1 to 23, inclusive, and insert "SEC. 8. It is hereby declared that the".

**Amendment No. 18**

On page 15 of said bill, strike out lines 23 to 52, inclusive; strike out pages 16 to 18, inclusive; and on page 19, strike out lines 1 to 7, inclusive.

**Amendment No. 19**

On page 19, line 8, of said bill, strike out "34", and insert "9".

**Amendment No. 20**

On page 19, line 11, of said bill, strike out "35", and insert "10".

**Amendment No. 21**

On page 19, line 15, of said bill, strike out "36", and insert "11".

**Amendment No. 22**

On page 19 of said bill, strike out lines 34 to 36, inclusive.

**Amendment No. 23**

On page 19 of said bill, after line 39, insert

"SEC. 12. As used in this act, "public agency" includes counties, cities, municipal corporations, political subdivision, public districts (including but not limited to the San Diego County Flood Control District), water authorities, and other public agencies of the State, chartered or unchartered, whether within or without the County of San Diego.

SEC. 13. Each public agency furnishing, or having legal power to furnish, flood protection or water for beneficial use within any watershed, any part of which is within the County of San Diego, shall have authority to make a survey of flood control and water conservation measures which it is authorized to perform on any watershed, any part of which is within the County of San Diego. Such survey shall include the consideration of:

(a) The available supply of water from whatever source.

(b) The most feasible method or methods of conserving that supply and of putting it to the maximum beneficial use.

(c) Problems of flood control, river flood control and equation, reclamation, drainage, recapture and further utilization of water after use for any purpose, domestic use, irrigation of land, municipal use, development of electric energy, and any and all other beneficial uses.

(d) Suitable means for the equitable reconciliation and adjustment of the various conflicting claims and rights to water in the area.

(e) Feasible methods of carrying out the resulting plan or plans, including through any existing public agency or through an agency which the public agency recommends that the Legislature create.

(f) Any and all other relative matters and things.

SEC. 14. In conducting its work, each public agency may use all pertinent surveys, estimates, reports and other information previously made or assembled, and available to it, and may employ such engineers, attorneys, technical, clerical, and other assistants necessary to enable the public agency to perform its authority hereunder.

SEC. 15. Each public agency shall have authority to cooperate with all entities, persons, and groups in interest, to the end that the purpose of this act may the sooner be fulfilled and accomplished and flood protection and water for beneficial uses be furnished within each watershed, any part of which is within San Diego County.

SEC. 16. Copies of each and all of the reports of each public agency shall be filed, kept on file, and available for public inspection at all reasonable hours, at the principal office of the public agency, the Office of the Board of Supervisors of San Diego County, and the Office of the State Engineer.

SEC. 17. The costs of carrying out the provisions of this act are payable out of such moneys as shall be donated to each public agency for the purpose by persons, corporations and other entities having legal capacity to make such donations, which moneys each public agency is hereby authorized to receive and expend.

SEC. 18. The provisions of this act shall not be deemed to affect any of the powers or duties conferred by law on the San Luis Rey Water Authority, except insofar as such authority is given additional powers by this act."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1257 by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 19?

##### Amendment No. 1

On page 2, line 11, of the printed resolution, as amended in the Senate on June 1st, strike out "three", and insert "five".

##### Amendment No. 2

On page 3 of the said resolution, strike out lines 6 to 11, inclusive, and insert "Contingent Funds of the Assembly and of the Senate in the proportion of five dollars (\$5) from the Assembly Contingent Fund to each three dollars (\$3) from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution: which sums shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 19 by the following vote:

AYES—None.

NOES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

#### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 23**—Relative to the creation of the Joint Legislative Committee on Fish and Game Problems.

##### Motion to Re-refer Senate Concurrent Resolution No. 23

Senator Gordon moved that Senate Concurrent Resolution No. 23 be re-referred to Committee on Rules.

Motion carried.

#### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 24**—Relating to the creation of a Joint Interim Committee on the State-wide Supervision and Control of the Mentally Deficient in the State, to study, investigate and report on said subject.

**Motion to Re-refer Senate Concurrent Resolution No. 24**

Senator Slater moved that Senate Concurrent Resolution No. 24 be re-referred to Committee on Rules.

Motion carried.

**Consideration of Assembly Amendments**

**Senate Bill No. 5**—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Contra Costa, Glenn, Inyo, Kings, Placer, San Benito and Tuolumne counties, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 5?

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after "Contra Costa," insert "Glenn,".

**Amendment No. 2**

On page 1, line 5, of said bill, after "Contra Costa," insert "Glenn,".

**Amendment No. 3**

On page 1, lines 12 and 13, of said bill, strike out "twenty-four thousand four hundred and seventy-two dollars and sixty-eight cents (\$24,472.68)", and insert "twenty-six thousand three hundred fifty-seven dollars and sixty-eight cents (\$26,357.68)".

**Amendment No. 4**

On page 1, line 15, of said bill, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 5 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 91**—An act to amend Sections 80 and 92 of the Agricultural Code, relating agricultural districts and the basis of allocation to county, district or combined county and district fairs.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 91?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 92", and insert "Sections 80 and 92".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "to the", and insert "agricultural districts and the".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "92", and insert "80".



PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 4

On page 1 of said bill, between lines 2 and 3, insert

"80. The several counties of this State constitute agricultural districts numbered as follows:

- District 1. The County of Alameda.
- District 1a. The City and County of San Francisco and the County of San Mateo.
- District 2. The County of San Joaquin.
- District 3. The County of Butte.
- District 4. The Counties of Sonoma and Marin.
- District 5. The County of Santa Clara.
- District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, [and] Agricultural District Number 50 [.] and Agricultural District 51.
- District 7. The County of Monterey.
- District 8. The County of El Dorado.
- District 9. The County of Humboldt.
- District 10. The County of Siskiyou.
- District 11. The Counties of Plumas and Sierra. A fair shall be held in each county of this district alternately.
- District 12. The County of Mendocino.
- District 13. The Counties of Sutter and Yuba.
- District 14. The County of Santa Cruz.
- District 15. The County of Kern.
- District 16. The County of San Luis Obispo.
- District 17. The County of Nevada.
- District 18. The Counties of Mono, Inyo, and Alpine.
- District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.
- District 20. The County of Placer.
- District 21. The County of Fresno.
- District 21a. The County of Madera.
- District 22. The County of San Diego.
- District 23. The County of Contra Costa.
- District 24. The Counties of Tulare and Kings.
- District 25. The County of Napa.
- District 26. The County of Amador.
- District 27. The County of Shasta.
- District 28. The County of San Bernardino.
- District 29. The County of Tuolumne.
- District 30. The County of Tehama.
- District 31. The County of Ventura.
- District 32. The County of Orange.
- District 33. The County of San Benito.
- District 34. The County of Modoc.
- District 35. The County of Merced.
- District 35a. The County of Mariposa.
- District 36. The County of Solano.
- District 37. All that portion of Santa Barbara County not included in Agricultural District No. 19.
- District 38. The County of Stanislaus.
- District 39. The County of Calaveras.
- District 40. The County of Yolo.
- District 41. The County of Del Norte.
- District 42. The County of Glenn.
- District 43. The County of Lassen.
- District 44. The County of Colusa.
- District 45. The County of Imperial.
- District 46. The County of Riverside.
- District 47. The County of Trinity.
- District 48. All that portion of Los Angeles County described as follows:

Beginning at the intersection of a southerly extension of the east line of Avalon Boulevard with the Pacific Ocean, proceed north to the east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along the west line of Main Street to the north line of

Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange County line; thence south along the Orange County line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.

District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino Base.

District 51. *All that portion of Los Angeles County described as Assembly District 41 in Subdivision 41 of Section 490 of the Government Code as enacted by Chapter 134 of the Statutes of California, Fifty-fifth Regular Session, excepting therefrom any portion of the area so described lying in Agricultural District 50.*

SEC. 2. Section 92 of said code is amended to read:—

#### Amendment No. 5

On page 3 of the printed bill, strike out line 15, and insert "year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera Counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera Counties each received an allotment during the calendar year 1941; (6) A district agricultural association which did".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 91 by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Swing—26.

NOES—Senators Carter, Hulse, and Weybret—3.

Above bill ordered enrolled.

#### MOTION TO WITHDRAW SENATE CONCURRENT RESOLUTION NO. 66

Senator Seawell moved that Senate Concurrent Resolution No. 66 be withdrawn from enrollment and placed on file.

Motion carried.

#### Consideration of Assembly Amendments

**Senate Bill No. 268**—An act to add Article 5A, comprising Sections 933 to 994.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 268?

**Amendment No. 1**

On page 2, line 18, of the printed bill, strike out "thirty million dollars (\$30,000,000)", and insert "fifty million dollars (\$50,000,000)".

**Amendment No. 2**

On page 7, lines 9 and 10, of said bill, strike out "thirty million dollars (\$30,000,000)", and insert "fifty million dollars (\$50,000,000)".

**Amendment No. 3**

On page 7, line 17, of said bill, strike out "thirty million dollars (\$30,000,000)", and insert "fifty million dollars (\$50,000,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 268 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 196**—An act making an appropriation to the Department of Professional and Vocational Standards.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 196?

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, following "Standards", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 196 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 277**—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 277?

**Amendment No. 1**

On page 1, line 23, of the printed bill, as amended, after "(\$10,000)", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 277 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

**Consideration of Assembly Amendments**

**Senate Bill No. 926**—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 926?

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, following "expenditure", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 926 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 66?

**Amendment No. 1**

On page 2, line 46, of the printed bill, strike out "four", and insert "three".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Concurrent Resolution No. 66 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—33.

Above resolution ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 307**—An act to provide for the acquisition of the site of the home of Louis Rubidoux in West Riverside in the County of Riverside as part of the State Park System, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 307?

**Amendment No. 1**

On page 1, line 11, of the printed bill, following "\$7,000)", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".



The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 307 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1256**—An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1256?

##### Amendment No. 1

On page 1, line 16, of the printed bill, following "necessary", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1256 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 362**—An act to amend Section 1272, and to repeal Sections 1273 and 1274 of the Fish and Game Code, relating to deer.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 362?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 1272, 1273, and 1274", and insert "Section 1272, and to repeal Sections 1273 and 1274".

##### Amendment No. 2

On page 1 of said bill, strike out lines 3 to 9, inclusive, and insert "1272. In Districts 1 $\frac{1}{2}$ , 4 $\frac{1}{2}$ ,".

##### Amendment No. 3

On page 1, line 10, of said bill, strike out "Placer, Eldo-".

##### Amendment No. 4

On page 1, line 11, of said bill, strike out "rudo and Alpine", and insert "and Placer".

##### Amendment No. 5

On page 1 of said bill, strike out lines 27 and 28, and insert "to Tahoe City."

##### Amendment No. 6

On page 2 of said bill, strike out lines 1 to 6, inclusive, and insert "one deer only may be".

##### Amendment No. 7

On page 2, line 11, of said bill, after "and", strike out "in".

##### Amendment No. 8

On page 2, line 14, of said bill, strike out "amended to read:", and insert "repealed."

##### Amendment No. 9

On page 2 of said bill, strike out lines 15 to 20, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 362 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 364**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 364?

#### Amendment No. 1

On page 1, line 5, of the printed bill, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 364 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 444**—An act to add Section 92.8 to the Agricultural Code, relating to district agricultural associations.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 444?

#### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "may", insert ", with the approval of the Department of Finance".

#### Amendment No. 2

On page 1 of said bill, strike out lines 8 and 9, and insert "riding tours or riding events, including reined cow horse contests, held by non-profit organizations within the district, or for the acquisition or maintenance of recreational or playground facilities and equipment".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 444 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 511**—An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 511?

**Amendment No. 1**

On page 1, line 2, of the printed bill, following "Fund", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 511 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Tenney—33.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 546**—An act reappropriating to the Director of Institutions for the purchase of land for Agnews State Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 546?

**Amendment No. 1**

On page 1, line 1, of the printed bill, as amended, strike out "Director", and insert "Department".

**Amendment No. 2**

In line 1 of the title of the printed bill, as amended, strike out "Director", and insert "Department".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 546 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kutchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 555**—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 555?

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, following "appropriated", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 555 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Park-

man, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, providing for the handling and disposition of such money, and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 557?

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 6 to 18, inclusive, and insert "General Fund."

##### Amendment No. 2

On page 2 of the said bill, strike out lines 1 to 29, inclusive.

#### Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on concurrence in Assembly amendments.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 557 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—24.

NOES—Senators Breed, Crittenden, Cunningham, DeLap, Dilworth, Dorsey, Hatfield, Hulse, Jepsersen, Kuchel, McBride, Parkman, Salesman, and Tenney—14.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 480**—An act to add Article 4.5 to Chapter 5 of Division 9 of the Education Code, relating to the exchange of property by school districts of the Public School System.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 480?

##### Amendment No. 1

On page 1, line 15, of the printed bill, as amended, after "may", insert "", with the approval of the county board of supervisors having jurisdiction over the district."

##### Amendment No. 2

On page 1 of said bill, beginning in line 16, strike out "immediately adjacent to land owned by the district".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 480 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jepsersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—37.

NOES—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Senate Bill No. 1297**—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1297?

**Amendment No. 1**

On page 3 of the printed bill, as amended, between lines 49 and 50, insert "SEC. 7. No refund of cash under this act shall be paid to any person as the assignee or attorney in fact of a person entitled to such refund, except that the board may in the case of the disability or incapacity of such person make payment to his guardian or any other person determined by the board to be suitable to accept payment on behalf of the person entitled thereto.

No person shall pay or receive any fee or charge for any service relating to applications, refunds, or credits pursuant to this act."

**Amendment No. 2**

On page 3, line 50, of said bill, strike out "7", and insert "8".

**Amendment No. 3**

On page 4, line 4, of said bill, strike out "8", and insert "9".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1297 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—36.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 612**—An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 612?

**Amendment No. 1**

On page 1, line 4, of the printed bill, following "necessary", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 612 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 795**—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 795?

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, following "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 795 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret. 35.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1279**—An act to amend Section 21 of the Agricultural Code, Sections 151 and 10055 of the Business and Professions Code, Section 10204, 13002, and 14002 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, Section 501 of the Public Resources Code, Section 152 of the Welfare and Institutions Code, Section 3700 of the Political Code, Section 10 of the Public Utilities Act, and Section 22003 of the Education Code, and to add Section 38d to the Alcoholic Beverage Control Act, relating to State officers and employees, their qualifications and salaries.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1279?

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended June 2, 1945, after "10204", insert ", 13002, and 14002".

**Amendment No. 2**

In line 6 of the title of said bill, after "act", insert ", Section 501 of the Public Resources Code, Section 152 of the Welfare and Institutions Code,".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 3 of said bill, following line 22, insert

"SEC. 8. Section 13002 of the Government Code is amended to read:

13002. The director is appointed and holds office at the pleasure of the Governor. The annual salary of the director is [ten thousand dollars (\$10,000)] *twelve thousand dollars (\$12,000)*. [The director may also be Chief of the Division of Budgets and Accounts without additional compensation.]

SEC. 9. Section 14002 of the Government Code is amended to read:

14002. The director is appointed by and hold office at the pleasure of the Governor. The annual salary of the director is [ten thousand dollars (\$10,000).] *twelve thousand dollars (\$12,000)*.

SEC. 10. Section 501 of the Public Resources Code is amended to read:

501. There is in the State Government a Director of Natural Resources. The department shall be conducted under the control of an executive officer known as Director of Natural Resources. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary of [six] *ten* thousand dollars (\$10,000) a year.

SEC. 11. Section 152 of the Welfare and Institutions Code is amended to read:

152. The director shall be appointed by and hold office at the pleasure of the Governor, and shall receive a salary of [six thousand dollars (\$6,000)] *ten thousand dollars (\$10,000)* per annum. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty five thousand dollars (\$25,000), conditioned upon the faithful performance of his duties."

**Amendment No. 4**

On page 2, line 10, of said bill, strike out "nine thousand dollars (\$9,000)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 5**

On page 2 of said bill, strike out line 51, and insert "ten thousand dollars (\$10,000)."

**Amendment No. 6**

On page 1, line 8, of said bill, strike out "nine thousand dollars (\$9,000)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 7**

In line 6 of the title of the printed bill, as amended, strike out "and".

**Amendment No. 8**

In line 7 of the title of said bill, after "Act," insert "and Section 22003 of the Education Code,".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 9**

On page 3 of said bill, after line 22, insert

"SEC. 8. Section 22003 of the Education Code is amended to read:

22003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor. He shall receive a salary of [five thousand dollars (\$5,000)] *seven thousand five hundred dollars (\$7,500)* per annum, and before entering upon the duties of his office shall execute an official bond to the State in the penal sum of three thousand dollars (\$3,000)."

**Amendment No. 10**

On page 2 of said bill, strike out lines 24 and 25, and insert "State. He shall be paid a salary of seven thousand dollars (\$7,000) per annum."

**Amendment No. 11**

On page 2, line 32, of said bill, strike out "nine thousand dollars (\$9,000)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 12**

In line 8 of the title of the printed bill, as amended, after "Code," insert "Section 38 of the Alcoholic Beverage Control Act,".

**Amendment No. 13**

In line 9 of the title of said bill, after "officers", insert "and employees".

**Amendment No. 14**

On page 3 of said bill, after line 51, insert

"SEC. 12. Section 38 of the Alcoholic Beverage Control Act is amended to read:

Sec. 38. The board shall administer all of the provisions of this act and to that end shall prescribe all necessary rules and regulations to carry out such provisions. For the performance of its duties the board shall have the power conferred by Section 353 of the Political Code.

*The Chief of the Alcoholic Beverage Control Division shall be known as the State Liquor Administrator, whose salary shall be ten thousand dollars (\$10,000) a year.*"

**Amendment No. 15**

In line 9 of the title of the printed bill, as amended, strike out "Section 38 of", and insert "and to add Section 38d to".

**Amendment No. 16**

On page 4 of said bill, strike out lines 6 to 12, inclusive, and insert

"SEC. 12. Section 38d is added to the Alcoholic Beverage Control Act, to read: Sec. 38d."

**Previous Question**

Senator Parkman moved the previous question.

Motion carried.

The question being on concurrence in Assembly amendments.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1279 by the following vote:

**AYES**—Senators Collier, Crittenden, Desmond, Fletcher, Hatfield, Kuchel, Mayo, McBride, Seawell, Shelley, Sutton, Swing, and Tenney—13.

**NOES**—Senators Biggar, Breed, Brown, Carter, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jepsen, Judah, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Slater, and Weybret—23.

### Consideration of Assembly Amendments

**Senate Bill No. 803**—An act to provide for basic topographic mapping of the State of California and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 803?

#### Amendment No. 1

On page 2, line 9, of the printed bill, strike out "to the Map Fund, hereby created,"; strike out lines 10 to 13, inclusive; and in line 14, strike out "Section 16304 of the Government Code," and insert "to the Department of Public Works for expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years."

#### Amendment No. 2

On page 2, line 33, of said bill, strike out "Moneys in the Map Fund", and insert "The appropriation herein made".

#### Amendment No. 3

On page 2 of said bill, strike out lines 39 to 44, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 803 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jaspersen, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

**NOES**—None.

Above bill ordered enrolled.

### Consideration of Assembly Amendments

**Senate Bill No. 820**—An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code; to amend the heading of Article 3 of Chapter 13 of Division 2 of said code; to amend Sections 5151, 6771, 9176, 11382, 16005, and 16482 of said code, to renumber Section 20941 of said code; to add Sections 6997 and 20655 to said code; to repeal Section 5341 of said code and to add Article 1.5 to Chapter 13 of Division 3 of said code, all relating to the Public School System.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 820?

#### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out the comma, and insert a semicolon.

#### Amendment No. 2

In line 5 of the title of said bill, strike out the first "and", and insert a semicolon.

#### Amendment No. 3

In line 5 of the title of said bill, after "Sections", insert "5151,".

#### Amendment No. 4

In line 7 of the title of said bill, strike out the first comma, and insert "; to repeal Section 5341 of said code; to add Article 1.5 to Chapter 13 of Division 3 of said code,".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 5

On page 3 of said bill, following line 25, insert

"SEC. 11. Section 5151 of said code is amended to read:

5151. The State Controller shall during each school year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for distribution during the school year a total amount to be computed as follows:



(a) There shall first be provided an amount not less than thirty dollars (\$30) per pupil in average daily attendance in the day and evening elementary schools in the Public School System during the next preceding school year, as certified by the Superintendent of Public Instruction.

(b) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the elementary school districts for one-half (½) the excess cost of educating physically handicapped pupil. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attendance during the next preceding school year of the physically handicapped pupils.

(c) [To these amounts there shall be added such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the several counties for one-half the amount apportioned to elementary school districts on account of special schools or classes for the children of migratory laborers. The amount certified by the Superintendent of Public Instruction shall not exceed seventy-five dollars (\$75) per calendar month per teacher employed in the social schools or classes during the next preceding school year.]

*In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the elementary school districts for one-half the excess cost of educating pupils in 24-hour elementary schools. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attendance during the next preceding school year of such pupils.*

SEC. 12. Article 1.5 is added to Chapter 13 of Division 3 of said code, to read :

#### Article 1.5. Conditions of Apportionments

6915. No money shall be apportioned to a district for the excess cost of educating pupils in a 24-hour elementary school of the district unless such school meets the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by State agencies authorized by law to inspect or supervise child-caring institutions.

SEC. 13. Section 5341 of said code is repealed."

#### Amendment No. 6

In line 7 of the title of the printed bill, as amended, strike out ", and to add Section 20655", and insert "; to add Sections 6997 and 20655".

#### Amendment No. 7

In line 8 of the title of said bill, strike out the semicolon, and insert "and".

#### Amendment No. 8

On page 4 of said bill, between lines 11 and 12, insert

"SEC. 8.5. Section 6997 is added to the Education Code, to read :

6997. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of this division, considered as though average daily attendance in high school classes maintained by a high school district and apportionments on account of such average daily attendance shall be made to the elementary school district accordingly."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 820 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—34.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1182**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1182?

#### Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "or", and insert "and under the provisions of a similar law of any sister State and".

#### Amendment No. 2

On page 1, line 7, of said bill, strike out "or", and insert "and under the provisions of".

#### Amendment No. 3

On page 1, line 8, of said bill, strike out "for a", and insert "or under any one or more of the provisions cited for an aggregate".

**Amendment No. 4**

On page 1, line 9, of said bill, strike out "continuous years immediately preceding", and insert "years, which need not be continuous, but is so confined at the time of".

**Amendment No. 5**

On page 1, line 23, of the printed bill, as amended, strike out "such", and insert "either".

**Amendment No. 6**

On page 2 of said bill, after line 12, insert

"SEC. 2. The provisions of the foregoing amendments to Section 108 are hereby declared to be applicable to proceedings pending and to decrees which have already become final, at the time this act becomes effective."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1182 by the following vote:

**AYES**—Senators Breed, Brown, Carter, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hulse, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Swing, and Tenney—20.

**NOES**—Senators Crittenden, Cunningham, Desmond, Donnelly, Hatfield, Jespersen, Judah, McBride, Quinn, Salsman, Slater, and Sutton—12.

**Assembly Bill No. 1387**—An act to amend Sections 3950, 3951, 3952, 3960, 3964, and 3968, and to repeal Section 3965 of the Revenue and Taxation Code, relating to actions by purchasers or holders of tax-deeded property to determine adverse claims to or clouds upon that property.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On line 2 of the title of the printed bill, strike out the following "and to repeal Section 3965", and insert in lieu thereof the following:

"And to enact Sections 3964 and 3965".

**Amendment No. 2**

On line 10 of the title of the printed bill, strike out the period and insert "and relating to the partition of tax-deeded property".

**Amendment No. 3**

On page 2 of the printed bill, commencing on line 1 strike out "recording", and insert "date".

**Amendment No. 4**

On page 2, line 10, of the printed bill, strike out "recording", and insert "date".

**Amendment No. 5**

On page 2 of the printed bill, commencing with line 10, strike out

"In any case in which any defendant claiming any interest in said land or any claim or cloud upon the title of plaintiff thereto is dead the heirs and devisees of such defendant may be sued as "the heirs and devisees" of said defendant, naming him."

"In any case in which any person who appears to have had an interest in said land or any claim or cloud upon the title of plaintiff thereto is dead, the heirs and devisees of such person may be sued as "the heirs and devisees" of said person, naming him."

**Amendment No. 6**

On page 2, line 21, of the printed bill, strike out "the", last appearing in said line.

**Amendment No. 7**

On page 2, line 22, of the printed bill, strike out "of a named defendant named in the complaint".

**Amendment No. 8**

On page 2 of the printed bill, strike out line 23, and insert

"SEC. 5. Section 3964 is hereby added to said code, to read :"

**Amendment No. 9**

On page 2, line 27, of the printed bill, following "rights", insert "and may order the sale of the property or the partition thereof".

**Amendment No. 10**

On page 2 of the printed bill, strike out line 34, and insert

"SEC. 7. Section 3965 is hereby added to said code, to read as follows:

If the court orders a sale of the property or a partition thereof, the same shall be made in accordance with the provisions of Chapter 4, Title 10, Part 2 of the Code of Civil Procedure, except that:

(a) The court may appoint one referee instead of three, and

(b) Proceeds of sale belonging to unknown special assessment owners, or persons claiming an interest in said special assessments, shall be paid to the treasurer, to be held by him as in like instances of collections by said treasurer of special assessments."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RESOLUTIONS**

The following resolutions were offered:

By Senator Desmond:

**Senate Resolution No. 163**

WHEREAS, The cannery workers employed in various canneries in the County of Sacramento are presently absenting themselves from their work in the various canneries operating in Sacramento County; and

WHEREAS, It is apparent there is a jurisdictional dispute between the different unions which has caused employees of the various canneries to leave their work; and

WHEREAS, By reason of the fact that the employees of the canneries have not reported for work, asparagus and apricots, perishable agricultural commodities are being wasted and destroyed; and

WHEREAS, It is in the interest of the war effort that all food commodities be conserved for the interest and welfare of the armed forces as well as the civilian population, and the loss and destruction of any food products at this time is detrimental to the war effort and will result in loss to the producers of perishable agricultural commodities as well as loss to the public; and

WHEREAS, Organized labor and all of its affiliates have pledged themselves to refrain from any work stoppage that would interfere with the war effort; now, therefore, be it

*Resolved*, By the Senate of the State of California in Legislative session in the City of Sacramento, this sixteenth day of June, 1945, that the said Senate of the State of California regrets that the failure of the cannery workers to report for work and conserve the perishable agricultural products being produced by farmers in Northern California and delivered to the various canneries in the County of Sacramento and urges that means be immediately adopted to bring about a conciliation of the disagreement that has caused the dispute now in progress; and be it further

*Resolved* by the Senate of the State of California that all duly constituted authorities, both connected with the unions and with the Federal and State Governments, be urged to take whatever steps are necessary to cause the cannery workers to return to work and to take such steps as are legally possible to end the dispute now in progress to the end that the food products now being lost can be preserved; and be it further

*Resolved* that the Secretary of the Senate be directed to immediately transmit copies of this Resolution to the Governor of the State of California, to Omar Hoskins, Federal Labor Department conciliator, to President William Green of the American Federation of Labor, to Joseph Casey, American Federation of Labor, Teamsters' Union, to Harry Lundburg, American Federation of Labor, Seafarers' Union, and to A. E. Bilger, Business Agent, Sacramento Cannery Workers' Union.

Resolution read, and on motion of Senator Desmond, adopted.

By Senator Rich:

**Senate Resolution No. 164**

*Resolved by the Senate*, That the annotated edition of the State Constitution, when published as directed by Senate Resolution No. 149 of 1943, shall be distributed and sold as follows:

Copies shall be distributed free of charge as follows:

To the President of the Senate, and to each Member of the Senate and Assembly fifteen copies;

To the Secretary of the Senate and Chief Clerk of the Assembly for use of their respective houses, such copies as may be required;

To the Governor and each elective State officer, five copies each;

To the director of each State department, two copies each;

To the Legislative Counsel Bureau twenty-five copies.

To the Justices of the Supreme Court, the Justices of the District Courts of Appeal and the judges of the superior courts of municipal courts, one copy each;

To the district attorney of each county, one copy;

To the State Library, sixty copies;

To each county law library, one copy;

To the Library of Congress, ten copies;

To the Governors of the States and Territories of the United States, one copy each;

To the city attorneys, upon request, one copy each;

To each free public library within the State of California, one copy each upon request;

The remaining copies shall be sold by the Bureau of Documents under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly at a price to be fixed by the Department of Finance, the proceeds thereof to be returned to the Legislative Printing Fund.

Resolution read and on motion of Senator Rich adopted.

### COMMUNICATIONS

The following communication was received and read: and on motion of Senator Hulse, ordered printed in the Journal:

DEPARTMENT OF WATER AND POWER, THE CITY OF LOS ANGELES

June 7, 1945

*Honorable Ben Hulse, The State Capitol,  
Sacramento, California*

DEAR SENATOR HULSE: Responsive to interest shown by you it seems some further interpretation, as it appeals to me may be of interest, of the report of the Colorado River Board of California respecting the proceedings on the Mexican Water Treaty, addressed to Governor Earl Warren on May 3, 1945, a copy of which was transmitted to the President of the Senate and printed in the Senate Journal of May 11. The Members of the Senate and Assembly have shown a keen and vitally helpful interest in California's efforts to protect the property and rights of its institutions and people.

The efforts on the part of the institutions of California, Nevada, the water users of the Colorado River Basin as a whole, and six of the more important national organizations, totalling more than 10,000,000 members, in opposition to the provisions of the proposed water Treaty with Mexico were successful to the extent of securing eleven reservations on the part of the United States Senate as a condition to the ratification of the Treaty; and the provision of an addition to the resolution of ratification to the effect that the reservations "will be mentioned in the ratification of this Treaty as conveying the true meaning of the Treaty, and will in effect form a part of the Treaty."

The Treaty, as generally understood, gave Mexico 1,500,000 acre feet of firm first-right water but in fact might have resulted, as indicated in the Report, in Mexico getting more than 3,000,000 acre feet of water and it is our conclusion that Mexico undoubtedly would have gotten at least something like 2,250,000 acre feet of water per year.

The reservations affecting jurisdictions, particularly reservations (b), (g), and (i), will give California interests and others of the Basin a fighting opportunity through the Congress and the courts to protect their interests in lieu of being at the mercy of the arbitrary powers of the Boundary Commission and State Department as otherwise set up in the Treaty. This, coupled with the limitations placed on the amount of water, is of immense value to the institutions of California and together these should result in reducing the unjust and needless sacrifices otherwise imposed on our institutions to less than one-half what they otherwise would have been.

Of course the Treaty, with the reservations, means a great curtailment and loss in the Colorado River Basin, primarily curtailment for want of domestic water for expansion of urban and industrial areas as well as water for lands dedicated to veterans' preference. Seven hundred fifty thousand acre feet yearly of guaranteed water would support more than 2,000,000 additional United States citizens in thrift and happiness in this Basin and upward of \$3,000,000,000 of productivity, two-thirds locally and one-third purchased from other sections of the country, corresponding to a loss to the Federal Treasury in taxes of approximately \$60,000,000 yearly at the schedules of 1940. The benefits to the United States in advantages to Texas under the Treaty in productivity and taxes will not exceed possibly one-twentieth of the loss in the Pacific Southwest.

During the three years, starting with 1942, that the Treaty was under negotiation there were conversations between the State Department and the Interior Department; and, contrary to the plans and rights of the Boulder power contractors, these Departments caused additional water releases from Boulder during the irrigation season in Mexico, and at one time caused water to pass through the All-American Canal to Mexico, and thus enabled Mexico to greatly increase, in fact to practically double, the



use of water during those three years over and above what otherwise it would have been possible for Mexico to put to use. This was done without any stipulation with Mexico that such increased use should not be the basis of claim by Mexico in Treaty negotiations as requested by our institutions; but on the contrary the State Department, in testimony before the Senate Foreign Relations Committee, pleaded Mexico's case by urging the fact of this greater use by Mexico, contrary to precedent in treaty making, as justification for granting to Mexico 1,500,000 acre feet of guaranteed water in perpetuity, an amount double what Mexico ever did use or could use economically from the unregulated river.

The general attitude of the State Department is such as to make it clearly necessary for California to follow the administration of the Treaty by the Boundary Commission and the United States Commissioner and to thus protect its rights by maintaining its position, as best we can, before the Congress and the courts; also through the Congress and the courts to maintain our water and power rights and interests, as best we can, within the Colorado River Basin in the United States during the period of their final determination as between the several states.

Respectfully submitted.

E. F. SCATTERGOOD, Advisory Engineer

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Parkman, Brown, and Collier as a Senate Committee on Conference concerning Senate Bill No. 1273, to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Biggar, and Keating as a Senate Committee on Conference concerning Senate Bill No. 277 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Weybret, Powers, and Keating as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 19 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Sutton, Burns, and Dilworth as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 66 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Carter, Rich, and Crittenden as a Senate Committee on Conference concerning Senate Bill No. 1182 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### REPORTS OF STANDING COMMITTEES

##### Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your committee on Finance, to which were referred:

Assembly Bill No. 391

Assembly Bill No. 601

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

Committee membership:

RICH  
DE LAP  
FLETCHER  
BIGGAR  
COLLIER  
JESPERSEN

RICH, Chairman

CRITTENDEN  
SWING  
BREED  
QUINN  
DESMOND

Above reported bills ordered to second reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 391**—An act to make an appropriation to The Regents of the University of California for the establishment and maintenance of schools of industrial relations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "two hundred thousand dollars (\$200,000)", and insert "one hundred thousand dollars (\$100,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 601**—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 5, line 38, of the printed bill, as amended, strike out "eighty-eight thousand dollars (\$88,000)", and insert "forty-four thousand dollars (\$44,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 11.40 a.m., on motion of Senator Sutton, further proceedings under the call of the Senate were dispensed with.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Dorsey moved that the following supplemental report of the Senate Interim Committee on State Training Schools for Boys and Girls be printed in the Journal.

Motion carried.

**SUPPLEMENTAL REPORT OF THE SENATE INTERIM COMMITTEE ON  
STATE TRAINING SCHOOLS FOR BOYS AND GIRLS TO THE STATE  
SENATE, CALIFORNIA LEGISLATURE, FIFTY-SIXTH SESSION,  
SACRAMENTO, 1945**

Your Interim Committee, appointed under Senate Resolution No. 22, Fifty-fifth (Fourth Extraordinary) Session, to investigate and study the feasibility and desirability of acquiring sites for the establishment of State Training Schools for Boys and Girls, makes the following additional report:

Following its report heretofore filed with the Senate the members of the above mentioned committee, as authors thereof, introduced in the Senate, on January 23, 1945, Senate Bill No. 347, containing the policy of establishing three schools recommended by the committee in the aforesaid report. The members also introduced Senate Bills Nos. 346 and 348, containing the items of appropriation.

Upon the passage in this Senate of the said policy bill, Senate Bill No. 347, the bill was referred in the Assembly to the Committee on Governmental Efficiency and Economy. The members of that committee desired that the appropriation be placed in the bill by amendment before the committee. The amendment inserting the appropriation was adopted by the committee and thereupon the committee gave the bill a favorable recommendation and it was referred to the Committee on Ways and Means of the Assembly. The bill was allowed to remain in the committee, being neither tabled or passed out by the committee.

The chairman of your interim committee was requested by the members thereof to introduce a resolution asking that the interim committee be continued until the next regular session of the Legislature, to further study the subject. The latter resolution has been adopted by the Senate. The committee will make a further study and investigation of the subject mentioned in the original resolution.

Since the filing of the first report your committee has received information that leads the members of the committee to believe that the Federal Government will cooperate with the State of California, should the opportunity present itself, in the acquisition by the State of surplus war properties, including abandoned Army and/or Navy camps, as sites for the schools proposed by this committee in its first report. This will greatly reduce the cost to the State of establishing the proposed schools.

It is the belief of the committee that the three schools recommended in its former report and proposed in said Senate Bill No. 347 can be acquired and established, fully equipped for school purposes, for the amount mentioned in said Senate Bill, as amended in the Assembly, to wit: \$800,000, if the Legislature finally decides to establish the schools and the money is appropriated and available when such properties are placed on the surplus property sale list by the Federal Government.

The prior right of the State to purchase war surplus properties, as provided in the War Surplus Property Act of 1944 was the direct result of the activities of this committee, as set forth in its former report. The benefit to the State from such activity of the committee will be found in the report to the California Legislature, Fifty-sixth Session, 1945, by the Joint Committee on Purchase of Federal Property, appointed under Assembly Concurrent Resolution No. 19, adopted January 27, 1945, which report is dated and filed with the Legislature June 7, 1945.

As to the maintenance and operation of the schools, the various items of abatement into the fund from the sources mentioned in the former report of this committee and in the said Senate bill will reduce the additional expense to the State to less than one-half of the total cost of the maintenance and operation of said schools.

It is the opinion of this committee that the establishment, maintenance and operation of these proposed schools, as suggested in its first report, and as proposed in said bill, would prove economical to the State and

counties, and would be extremely beneficial in decreasing juvenile delinquency.

Since the filing of the first report, additional testimony has been accepted, including communications from various interested persons. Mr. C. J. Anderson, Chairman, Child Welfare Commission of the American Legion, in a communication to its Legislative Commission under date of February 8, 1945, and which communication has been filed with this committee, states in part:

"There can be no argument with this proposition as it is sound, constructive and in stride with the thinking of all people who have concerned themselves with the study of juvenile problems. This is the type of legislation that American Legion can whole-heartedly go along with as it is providing youth, who have been unfortunate enough to have perhaps made a mistake, an opportunity to rehabilitate themselves without the stigma of Detention Home, Reform School or whatever other form of incarceration happens to be in vogue now. I feel that the American Legion should get solidly behind the proponents of this bill and give them whatever assistance they might require.

"We have taken as our slogan in the Child Welfare Division of the American Legion, 'A Square Deal For Every Child'. Let's see that they get it. Establishment of these schools will be another step forward to the achievement of that goal."

Also a communication from William E. Barden, State Director of Service and Rehabilitation, Veterans of Foreign Wars of the United States, Department of California, which communication has been filed with this committee, wherein he states in part:

"We do not reassemble until after the session may well have been over, we have gone on record, and this is said with no contradiction: All of our members who have had pointed out the feature that this places children under the jurisdiction of the Probate Court and not the Juvenile Court when the State takes over on a *parens patriae* relationship, and when no delinquency or criminology is involved and thus avoiding any stigma of a wardship of the Juvenile Court. Personally, we think this a most desirable piece of legislation.

"The writer was for some time the Deputy District Attorney assigned to the Juvenile Court, and from the tragedies that were seen to happen, by incident rather than by design, it is felt that this is a long step in a humane approach to the treatment of a very tragedy-pregnant situation."

Also a communication from Mr. W. L. Kuser, Superintendent of The San Francisco Protestant Orphanage, in which he states in part:

"We continue to spend billions of dollars to build prisons to lock up criminals and give little thought to investing a fraction of the amount in constructing a few California Academies to stop the everlasting flow of men and women into our penal institutions.

"It is a crime against our youth to plan legislative programs for more prisons without setting off against that item one to help youngsters avoid drifting into the ways of crime. \* \* \*



"I am of the firm belief that if people generally knew of this Bill and its provisions and what it would mean in preventing delinquency, there would be no question as to its being generally approved by the public."

Also a communication from H. W. Underhill, President of Lark Ellen Home for Boys in West Los Angeles, California, which reads as follows:

"Please express to the Committee my unqualified endorsement of Senate Bill No. 347, California Academy Bill. No stone should be left unturned to provide every facility possible for the proper training of the youth of California. I feel sure that the vast majority of the electorate would favor this measure."

We find that appropriations are requested in this session of the Legislature for money with which to construct an additional correctional institution and several million dollars to maintain and operate correctional schools in this State, but the State is not expending any money which will have the effect of diminishing juvenile delinquency.

It is the consensus of this committee that the State should assist in decreasing the juvenile delinquency situation in this State by providing the training facilities for the children mentioned in Sections 22 and 23 of Senate Bill 347, for the purposes provided in Sections 14, 15 and 16 of the bill, instead of allowing the child to remain in environments and conditions that produce delinquency and then attempt to reform it by having the child committed to a so-called reform school, and that this result can be and will be accomplished by establishing, maintaining and operating the schools recommended by this committee in its former report and re-affirmed in this report.

The committee again expresses its appreciation for the magnanimous assistance rendered the committee by the various judges of juvenile departments of the Superior Court, juvenile probation officers, sheriffs, police officers, public and private school officials and private citizens in its study and investigation of this subject.

Respectfully submitted.

H. R. JUDAH

FRANK W. MIXTER

JAMES J. MCBRIDE

BYRL R. SALSMAN

JESSE R. DORSEY, Chairman

*Members of the Committee.*

#### PRINTING OF REPORT IN JOURNAL

Pursuant to the motion of Senator McCormack, made on June 14, 1945, the following report of the Senate Fact-Finding Committee on State Highway Revenues, was ordered printed in the Journal of this date.

#### REPORT OF SENATE FACT-FINDING COMMITTEE ON STATE HIGHWAY REVENUES

Created by Senate Resolution No. 18  
(Fifty-Fifth Session)

#### MEMBERS OF COMMITTEE

SENATOR THOMAS MCCORMACK, Chairman

SENATOR GEORGE J. HATFIELD, Vice Chairman

SENATOR RANDOLPH COLLIER

SENATOR JAMES J. MCBRIDE

SENATOR JACK B. TENNEY

REPORT OF THE SENATE FACT-FINDING COMMITTEE ON STATE  
HIGHWAY REVENUES TO THE HONORABLE FREDERICK F.  
HOUSER, PRESIDENT, AND TO THE MEMBERS  
OF THE SENATE

Senate Resolution No. 18, adopted June 13, 1944, reads as follows:

Senate Resolution No. 18  
Relative to appointment of a Senate Fact-Finding Committee  
on State Highway Revenues

WHEREAS, State highway revenues have for a number of years been inadequate to finance construction and reconstruction of State highways so as to keep pace with their deterioration and obsolescence; and

WHEREAS, The Legislature, at the Fifty-fifth Regular Session, by Chapter 564 of the Statutes of 1943, appropriated the sum of twelve million dollars for the preparation of plans and the acquisition of rights of way for postwar construction and reconstruction of State highways, and directed and instructed the Department of Public Works to report to the Fifty-sixth Session of the Legislature as to expenditures made of moneys so appropriated and estimating the construction cost of each project for which plans have been prepared or rights of way secured; and

WHEREAS, It is advisable that the Legislature be informed as to the adequacy of existing State highway revenues to provide for such postwar construction and reconstruction of State highways and as to necessity for additional revenues to meet postwar needs; now, therefore, be it

*Resolved by the Senate of the State of California*, That there be and is hereby created a Committee of the Senate to study and ascertain facts and to determine the sufficiency and adequacy of State highway revenues for State highway construction and reconstruction; and be it further

*Resolved*, That it shall be the duty of said committee, if it finds that additional revenues are needed, to study and recommend to the Legislature means and sources of additional State highway revenue; and be it further

*Resolved*, That said committee shall consist of five Members of the Senate, which committee shall be appointed by the Rules Committee of the Senate; and be it further

*Resolved*, That the committee, in exercising its powers and performing the functions vested in it by this resolution, shall have all the powers conferred upon Legislative Committees by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly as adopted at the Fifty-fifth Regular Session of the Legislature and all powers necessary or convenient to accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee shall prepare and submit to the Fifty-sixth Session of the Legislature a report of its findings and recommendations; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of twelve dollars (\$12) per day; and be it further

*Resolved*, That the sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate for the expenses or claims it may incur under this resolution, to be paid, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Pursuant to this resolution a Senate Fact-Finding Committee on State Highway Revenues, was appointed by the Committee on Rules, on June 13, 1944. It consisted of Senators Thomas McCormack, George J. Hatfield, Randolph Collier, James J. McBride, and Jack B. Tenney. Immediately upon adjournment of the Senate on June 13, 1944, the Committee met in Room 205, State Capitol, Sacramento, for the purpose of organization. Senator McCormack was elected Chairman and Senator Hatfield was elected Vice Chairman. Wanda Durkee was appointed to serve as secretary.

The committee thus constituted has undertaken the studies contemplated by the resolution and herewith presents its report.

The committee considers it was given two specific assignments which may be summarized as follows:

- (1) To establish the relevant facts and from such study and analysis to determine the sufficiency of highway revenues for construction and reconstruction on the State Highway System, and
- (2) If it is found that additional revenues are needed, to recommend to the Legislature sources of additional State highway funds.

The committee in making its investigation requested the assistance and advice of interested individuals and groups. The response has been most generous. For this, members of the committee wish to express their sincere thanks. The volume of research and data made available enabled the committee to reach conclusions which, we believe, are sound and fully supported by the record before us.

In addition to conferences between individual members, the committee held public meetings as follows:

*October 4, 1944, Room 406, State Capitol, Sacramento.*

Those addressing the committee or who appeared for interview were:

Mr. C. H. Purcell, Director of Public Works  
Mr. Fred J. Grumm, Assistant State Highway Engineer  
Mr. J. Allen Davis, General Counsel, Automobile Club of Southern California  
Mr. Edwin S. Moore, representing the California State Automobile Association  
Mr. A. E. Washburn, Deputy Director, State Reconstruction and Reemployment Commission  
Mr. Rolland A. Vandegrift, Secretary, Legislative Budget Committee

*December 27, 1944, Room 406, State Capitol, Sacramento.*

Those appearing for interview or who addressed the committee were:

Mr. Fred J. Grumm, Assistant State Highway Engineer  
Mr. Joseph Gilmore, representing the trucking industry  
Mr. Edwin S. Moore, representing the California State Automobile Association

*January 11, 1945, Room 406, State Capitol, Sacramento.*

Those who addressed the committee or who appeared for interview were:

Mr. Harry A. Mitchell, Director California State Chamber of Commerce and Chairman of the Postwar State Highway Program for California, The California Major Highway Development Committee  
Mr. Edwin S. Moore, Manager Public Relations, California State Automobile Association, Member of the Finance Committee of the Postwar Development Committee  
Mr. David G. Shearer, representing For-Hire Truck Carriers  
Mr. Harold P. Norton, Department of Public Works

*January 18, 1945, Room 406, State Capitol, Sacramento*

Those who made statements or who appeared for interview were:

Mr. E. Roy Higgins, Comptroller, State Department of Public Works  
Mr. Fred J. Grumm, Assistant State Highway Engineer  
Mr. Harold C. Morton, Secretary of the Independent Petroleum and Consumers Association  
Mr. Rex Nicholson, Managing Director of the Builders of the West, Incorporated  
Mr. Edwin S. Moore, representing the California State Automobile Association  
Mr. W. L. Connolly, San Francisco Office, State Chamber of Commerce  
Mr. Rolland A. Vandegrift, Secretary, Legislative Budget Committee  
Hon. Samuel Heisinger, Member of the Assembly

*January 18, 1945, Room 404-D, State Capitol, Sacramento.*

An informal discussion of legislation with respect to an increase in fuel taxes was held in the office of Senator Thomas McCormack, Chairman of the Committee, at which the following representatives of the Postwar State Highway Program were present:

Mr. Fred Alexander, State Supervisors' Association  
Mr. W. L. Connolly, State Chamber of Commerce  
Mr. John Luther, State Chamber of Commerce  
Mr. Earl Lippold, Los Angeles County  
Mr. Curtis Smith, Los Angeles County  
Mr. John Spencer, California State Automobile Association  
Mr. Edwin S. Moore, California State Automobile Association  
Mr. J. Allen Davis, Automobile Club of Southern California

#### **Adequacy of Present State Highway Revenues for Construction and Reconstruction**

In initiating its study, the committee invited Mr. C. H. Purcell, Director of Public Works and for many years State Highway Engineer, to state his views respecting State highway finances. The following is quoted from his remarks:

"I wish to state very definitely that the general situation with regard to revenues for State Highways has given me much concern for a long time. It has been apparent for some years that there were insufficient funds available

to the Division of Highways to maintain the State Highway System in condition for proper use, and to guard against the loss of investment and at the same time properly provide for obsolescence and adequate development of the system to meet its continuing and increasing needs."

And, after reviewing the history of revenues received by the Division of Highways since the gasoline tax first became effective, the increases in road mileage taken into the State system, together with increases in traffic volume, speed, and weight of vehicles, and the consequent demand for more adequate highway facilities, Mr. Purcell further stated:

"Thus, during the last 10 or 12 years prior to the war, the cost of traffic service over this extended system had increased very materially per vehicle unit; and while there had been an increase in total gasoline tax and registration fees, there had been a gradual losing of ground insofar as overall improvement of the entire highway system was concerned."

These statements of Mr. Purcell confirmed what appears to be the consensus of the Senate as expressed in the preamble to its resolution creating the committee. The committee, however, desired to develop and assemble all available *factual data* with respect to the adequacy or inadequacy of present highway revenues. Accordingly, Mr. George T. McCoy, State Highway Engineer, was requested to prepare answers to the following specific questions:

1. Of what economic importance to California is motor transport?
2. What are the critical deficiencies of the State Highway System at this time, and why are they critical?
3. Is the construction and improvement of the State Highway System keeping pace with the obsolescence and deterioration?
4. What is the registration of motor vehicles in California as compared with other States?
5. What is the revenue from fuel taxes and registration fees in California per registered motor vehicle compared with other States?
6. What is the estimated amount available for State highway construction and improvement in the next biennium?
7. What will it cost to correct such deficiencies as exist? Within what period of time should the improvement be made?
8. How much of the cost can be met from present revenue?
9. What were the expenditures of the Division of Highways over the last three years before the war?
10. What are the present administration costs and costs during normal times?
11. What are the average costs per mile of two-lane highways in the north and south county groups?
12. What is the primary and secondary mileage in the two sections of the State? Reflect this mileage in terms of registered automobiles by counties.
13. What is the percentage of area of each county to total area of State?
14. Does north or south have most mountainous primary highways and mileages?
15. Submit some average year's proposal for the budget by the Department of Public Works to the Highway Commission and the action taken by the commission.
16. What is the number of miles of declared freeways?

The report of the Division of Highways in answer to this request contains facts and statistics which merit the fullest consideration of the Senate. Copies have been furnished to the President and to each Member of both houses of the Legislature. We wish it considered an integral part of this report. Volume I of the Division of Highway's report is attached hereto designated Appendix A. (Volume II consisting of maps is not included as a part of this report.)

A state-wide committee known as the California Major Highway Development Committee has for the past year been conducting an independent study of postwar highway needs. This committee of 15 is made up of representatives from each of the following organizations:

- The California State Chamber of Commerce
- The League of California Cities
- The State Supervisors' Association
- The Automobile Club of Southern California
- The California State Automobile Association

As previously indicated, members of this group stated their conclusions before the Senate Committee and their recommendations are included in the "Statement Relative to the Recommendations of the California Major Highway Development Committee," issued January 11, 1945. A copy is attached hereto designated Appendix B.

Supplementing this statement, testimony to the effect that present revenues are inadequate was given personally by Mr. H. A. Mitchell, Director, State Chamber of Commerce, and Mr. E. S. Moore, California State Automobile Association, who are respectively chairman and member of the finance committee of the organization.



Further statements with respect to the inadequacy of present highway revenues were made by the following individuals who appeared before the committee:

Mr. David G. Shearer, Executive Vice President, Trucking Industry Incorporated  
Mr. Harold C. Morton, Secretary, Independent Petroleum and Consumers Association

Mr. Rex Nicholson, Managing Director, Builders of the West, Incorporated  
Honorable Samuel Heisinger, Member of the State Assembly

Mr. Morton was the only person appearing before the committee at any time whose testimony could be construed as raising any question as to the inadequacy of present highway revenues. He opposed any proposal to increase the tax on gasoline, not because he did not fully subscribe to the need for improved and expanded highway facilities but because, in his opinion, an increase in motor vehicle registration and travel in the future will provide required revenues. He presented no data in support of this assertion.

On this same point, Mr. Moore, of the State Automobile Association, had this to say:

"You have had testimony before this Committee which has demonstrated that the highway system of California, the State Highway System, has fallen behind. It has fallen behind in the revenues available to build and maintain that system to the standards needed to accommodate existing traffic. If that is true, bear in mind it has been falling behind during a period when we have had increases in motor vehicle registrations from year to year with the exception of the first and second depression years 1932 and 1933, when there was some slight decrease.

If it were true that future increases in motor vehicle registrations would take care of the deficiencies, then obviously we wouldn't be in the predicament we are presumably in today, falling behind during a period of years when we have had a constant and general increase in motor vehicle registrations."

Mr. Nicholson, representing the Builders of the West, an organization of about 200 companies and individuals in the construction industry or affiliated with it, asserted "our present highways have been deteriorating very rapidly and badly for lack of upkeep during the war — that we are in definite need of a tremendous highway construction program to be started immediately following the war — and that there is an enormous amount of repair and maintenance that is overdue and needs to be supplied as quickly as possible."

Assemblyman Heisinger stated:

"It has been proven over and over that California is operating its roads at less than cost because we are not keeping them up; they are falling off day by day and have been for many years, not only in the war but for many years.

It has been clear to me that California should have had the increase in tax a long time ago to maintain its highway system. Had we done so, we wouldn't have the situation we have today."

#### Extent of Inadequacy

In view of the general agreement for the need of additional revenues, the committee attempted to ascertain the extent of the inadequacy. It asked the Division of Highways to answer these questions:

What are the critical deficiencies of the State Highway System at this time, and why are they critical?

What will it cost to correct such deficiencies as exist?

The answers are given in the report of the Division of Highways. (Appendix A)

There are certain aspects concerning these particular answers to which the committee wishes to call attention. We limited the question to "critical" deficiencies and asked that an explanation be given as to the characteristics which make a highway deficiency "critical". "Critical Projects" were defined by the State Highway Engineer as being those individual parts of the State Highway System which, because of some marked deficiency, are in urgent need of improvement or replacement. And it was emphasized that this list was to be restricted to those projects which, because of actual deficiencies, warrant immediate consideration. While fully recognizing that there are many projects on the highway that are altogether worthy of consideration for improvement, only those which could meet certain exacting qualifications of a substantial nature were to be included as being "critical projects".

To qualify, the report of the Division of Highways points out, one or a combination of the following conditions of insufficiency must be present to a marked degree:

1. Critical bridges. These include all bridges now posted for less than present legal loads and those in which deterioration has progressed to such a degree that posting or replacement will be necessary in the near future.
2. Abnormal maintenance cost arising primarily from structural weakness of base or pavement.

3. Inadequate traffic capacity. Sections of the system where traffic volume is in excess of that which the present highway will properly accommodate.
4. Specific points of hazard or obstruction. Locations with abnormal rate of accident recurrence or where obstructions such as slides, floods, roadway subsidence continue at frequent intervals to seriously delay and hinder traffic.

**Freeways.** In addition to the four groups of critical deficiencies enumerated, the general absence of modern highway facilities of the freeway type necessary to adequately solve the serious traffic problem in large metropolitan areas was also to be considered as a major deficiency.

Predicated upon these specific yard sticks, a comprehensive survey of the entire State highway system was made by the Division of Highways and the type and location of these various "critical deficiencies" is graphically presented on base and overlay maps presented to the committee and Legislature with the report of the Division of Highways. Reference to the maps reveals how extensive these deficiencies are, both in total amount and in their far-reaching effect upon practically every section of the State.

At the same time projects were qualified as "critical", estimates of costs of reconstruction were made. These in grand total were found to be approximately \$630,000,000, made up substantially as follows, listing the major groupings:

Critical bridges	\$ 17,000,000
Structural weakness base or pavement	59,000,000
Inadequate traffic capacity	170,000,000
Specific points of hazard or obstruction	99,000,000
Freeways in metropolitan areas	285,000,000

The California Major Highway Development Committee, while confining its presentation to inadequacy in traffic capacity, indicates more or less definitely the mileage which it considers inadequate in this respect. Based upon its studies, the aggregate is approximately 3,300 miles, 600 miles of which are inside the seven metropolitan districts of the State, and the remainder composed of two main north-south arteries and five east-west laterals, all as shown on the map included in Appendix B.

The Major Highway Development Committee estimated the cost of its program as between \$700,000,000 and \$870,000,000, including freeways within metropolitan areas. This estimate of the extent of inadequacy is not greatly at variance with the figure of \$630,000,000 arrived at by the Division of Highways. The Division of Highways report contemplates the improvements needed within the next ten-year period, while the California Major Highway Development Committee proposes a program extending over a somewhat longer period.

### Conclusions

In view of the information developed by this investigation, the Senate Fact-Finding Committee on State Highway Revenues has reached the following conclusions:

1. The facts definitely establish that present State highway revenues are not now adequate for State highway construction and reconstruction.
2. That additional highway revenues should be provided during the next ten years.
3. While it is apparent that the development of a Limited Access Highway or Freeway System, especially in the congested urban areas of the State, is essential to the proper development of our highway system and the metropolitan districts of Northern and Southern California, it is also apparent that the development of the feeder or farm-to-market roads in the County and State road systems is also essential to the growth and development of our rural area and the development of one should not suffer at the expense of the other.

### Recommendations

The committee recommends:

1. That present revenues be increased and be made available exclusively for State highway construction.
2. That a further and more comprehensive study should be made of the entire problem presented by the conclusions of this committee.

Respectfully submitted.

THOMAS McCORMACK, Chairman  
 RANDOLPH COLLIER  
 GEORGE J. HATFIELD  
 JAMES J. MCBRIDE

APPENDIX A

REPORT  
ANSWERING QUESTIONS  
OF THE  
SENATE FACT-FINDING COMMITTEE  
ON STATE HIGHWAY REVENUE

VOLUME I



1944

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

November 15, 1944

DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

*To the Honorable, THE SENATE COMMITTEE*  
ON STATE HIGHWAY REVENUES:

At the meeting of your Honorable Committee, in the Senate Committee Room of the State Capitol, on October 4, 1944, answers to certain questions were requested of this department. This statement is submitted in compliance with such request of your committee.

The specific answers to the questions put by the committee will be found in the Summary, page 30. The portion of this statement preceding the Summary is intended to set forth the background and details upon which the conclusions expressed in the answers to your questions are based.

**Scope and Importance**

The present State Highway System consists of 13,891 miles of roads divided as between Primary and Secondary routes and between rural and city mileage, as follows:

	Miles in cities	Miles outside cities	Total miles
Primary Routes -----	459	4,038	4,497
Secondary Routes -----	598	8,796	9,394
Totals -----	1,057	12,834	13,891

This mileage of highways covers the entire State, reaching into all of the 58 counties, and constitutes the basic facility for the larger portion of all rural motor transport as well as providing the main arteries which serve a very substantial percentage of all urban traffic. The thoroughly comprehensive manner in which this system provides for the major features of the State's economy is strikingly shown by the base and overlay maps in Volume II of this statement, relating the State highways to:

1. Population
2. Agricultural Areas
3. Recreational Areas

No compilation of figures which might have been offered could so adequately describe the scope of the highway system and the fullness of coverage which it provides for every important element in the welfare and economy of the State of California.



Granted that Transportation is important and so acknowledged to be by everyone, a brief restatement of the basic nature of this importance is not inappropriate in a study of this character.

Transportation is a fundamental thing. It is, in fact, a thing so basic to our whole scheme of living that by the degree of its development we can closely measure the progress of civilization itself. All forms of transportation by whatever medium—water, rail, air, pipe line—make important contributions; but of all methods employed, Road Transport has always been and continues to be man's primary means of movement and intercommunication. For short trips the *Road* has no competition. Even where for longer movements some other medium may be found advantageous for some intermediate portion, the *Road* is again called upon at one or both ends to finally complete the job. To this important extent the *Road* has always been and still remains indispensable.

Since the advent of the individually owned and operated motor vehicle, and as the result of greatly widened scope and flexibility, road transport has increased in volume and importance at such a rapid pace that when curtailment became necessary as a war measure there was general amazement at discovering how universally dependent we are upon motor transport. The facts, however, were inescapable and forced prompt admission that any drastic cut in this type of transportation would mean certain breakdown of our entire economy.

Motor transport has grown up. Only in terms of billions can we now measure the sum total of its vehicle mileage, passenger mileage, and ton mileage. The motor vehicle has come to be the most universally cherished single physical possession of the American people. This is easily understandable, for in many ways it is the very embodiment of freedom, a self-contained agency which gives to the individual a heretofore un hoped for range of choice as to time and space in all his activities, both for the business and the leisure of living. Most important to consider is the fact that the possibilities which motor transport holds for increased usefulness to the individual and the community have only been touched. The public is fully aware that this is true. In consequence, they quickly resent any proposal which has the appearance of restricting or retarding the extension of its usefulness. There is little danger that the progress of motor transport toward attaining its maximum usefulness will be seriously delayed by any positive action aimed at its curtailment. For the people may be depended upon to easily recognize and to promptly deal with such attempts. The real threat to the achievement of the fullest benefit which motor transport can bring is not open opposition but the failure of highway users in general to fully appreciate the inevitable progressive deterioration and obsolescence of physical facilities which attach to any expanding enterprise, either public or private, unless adequate provision is made *in advance* to meet the certain and increasing demands.

Your own awareness of these things, manifest in your present request for specific information, is gratifying to the Division of Highways as administrators charged with the serious responsibility of proper upkeep and operation of the State Highway System.

Whatever may be said of the importance of Road Transport in general, applies with added force to California. *Development of a country does not bring roads—roads bring development.* And California to an unusual degree is indebted to roads for her development. For this State with its immense distances, its extremes in topography, climate, and its many other extraordinary physical phenomena would never have evolved into the present great commonwealth except for roads. No more can it continue to exist without them; and still more certainly, the future development of its vast potential natural riches is dependent in almost direct ratio upon the extent to which satisfactory road transport facilities are made available.

With us in California, "road transport facilities" is almost synonymous with "State highway facilities," since although the mileage forming the State Highway System comprises but one-eighth of all rural roads in the State, it accounts for practically three of every four miles traveled outside of our cities. This commanding place which the State highways occupy in motor transport was clearly brought out in the data developed by the "California Highway Transportation Survey of 1934," an all-inclusive study conducted by the Division of Highways, which embraced all of the road and street systems of the State. In general, its comparative findings are currently valid, since only very minor changes in the road mileages of the various systems have occurred since that date. The correctness of these findings has been further established through the intervening years by constant check and comparison of gasoline consumption records with actual State-wide traffic counts on all State highways and supplementary surveys of other rural roads which have been conducted by the Planning Survey. This 1934 study has thus come to be widely accepted as a source of basic transportation data, and as such we shall at times make further reference to it.

### **Traffic**

For the year 1941, prior to the war-emergency restrictions on transportation, traffic on the rural portion of the State Highway System alone totaled approximately 8,925,000,000 vehicle miles as computed from actual traffic counts. This was 33 per cent of all the motor vehicle traffic in the State, both inside and outside of cities, as arrived at through reports of total net gasoline consumption, a ratio practically identical with that established in the 1934 survey above referred to when traffic was actually counted on all road and street systems. Thus, there appears ample warrant to assume that the urban mileage of State

highways also continued to serve its normal proportion of the city traffic. This would bring to 12,750,000,000 the total vehicle miles traveled during the year 1941 on the combined rural and urban mileage of State highways, a figure wholly incomprehensible in itself but which at once fixes beyond argument the paramount place of the State Highway System in motor transportation.

The true significance of billions of vehicle miles of traffic on our highways is impossible for any of us to grasp unless translated and broken down into specific, tangible items of daily interest and concern. Motor vehicle traffic, if any analysis at all is contemplated, is most commonly first separated into the two classes: Passenger and Freight.

### **Passenger Vehicle Traffic**

It is truly astonishing, the widespread, almost universal misconception which was held prior to and even long after we were fully engaged in all-out war effort, that the passenger automobile was simply a pleasure car and that we could and should in time of war dispense with such an item of luxury. This misconception reached to the very highest circles in both industry and Government, and only through the sharp impact of the partial elimination of this mode of travel which immediately threatened the efficient operation of all our essential undertakings did we come to realize that the private passenger automobile is, beyond argument, no longer a luxury, nor yet simply a useful contrivance, but occupies its own secure position as an acknowledged *necessity*. This is attested to by the general agreement among those who have been compelled to give this subject the most careful study that our National pool of passenger cars in service must not be allowed to drop below 20,000,000 if we are to avoid serious disruption of the war program. After the closest scrutiny of every detail of use, it was determined that approximately 65 per cent of all normal passenger car traffic met even the very drastic requirements set up for wartime essentiality.

With this large percentage of passenger traffic thus established as basic to mere continued existence, no further proof is needed of the outstanding importance of adequate provision for the fullest use of this type of transportation for normal periods of peace and extended development. The place which the State highways hold in serving this traffic may be gauged by the fact that during 1941 on the rural portion of the system alone, passenger cars traveled over 7,400,000,000 miles. As we know, the greater part of this travel was made for the ordinary everyday needs of modern living, but we also know that a very large percentage of it occurred because so much of the State's recreational area, as may be noted on the base map in Volume II, is served by the highway and, due to topographic features, is readily accessible only by this means of transport. The unlimited store of recreational values which these regions contain is yearly

attracting a fast increasing flow of travel. The immense profit in social wealth and welfare which they offer is almost wholly dependent upon how quickly and conveniently they may be reached. This is primarily a matter of adequate highway facilities, not just in the immediate vicinity of the great playgrounds themselves, but *all the way*, beginning at the large urban centers where the great bulk of the State's population is found.

### Freight Vehicle Traffic

As previously commented upon, the road, always an important element in the movement of goods, has with the introduction of the motor vehicle assumed an increasingly larger role in this respect. Seemingly this mode of transport admits of no limits with respect to its capability of handling any commodity movement. Materials of all sizes and character are transported by motor vehicle over any distance, short or long, and at any legally permitted speed. Its vitally essential nature is not even questioned. On the contrary, every effort has been exerted throughout the present National emergency to the end that motor freight transport might function at its highest possible capacity. In California at the present time, 22 per cent of all vehicles on our highways are freight vehicles.

The service which this road transport performs is no less vital to our peacetime pursuits than that which it is now giving in the time of war emergency. A measure of the magnitude of this service may be had by reference to the major items of production which somewhere at some time move by road. In many instances the entire movement is by road, and in many other instances the same product before it completes the cycle from initial origin to final consumption has made several journeys by road transport.

### Agricultural Products

The importance of agriculture to California is so outstanding and so thoroughly understood and accepted that a mere statement of this fact is wholly sufficient for the purposes of this statement. What is not so widely appreciated is the immense *volume* of California's agricultural products and how vitally dependent this agricultural empire is on road transport.

A compilation prepared by the State Department of Agriculture, in which the various units of bushels, bags, crates, etc., were reduced to equivalent tons, shows that for 1942 the three main groups of farm products amounted to approximately 19,000,000 tons, as follows:

Field Crops .....	10,671,000 tons
Fruit and Nut Crops.....	5,121,000 tons
Vegetables .....	3,206,000 tons
Total.....	18,998,000



Essentially all of this moved over the road for varying distances from a few miles to hundreds of miles. And it is well established that rarely is there a farm-to-market trip that does not use a State highway for a portion of the journey. The very high proportion of California's agricultural production which is perishable and critically seasonal still further accentuates the necessity for swift and certain transportation. Any uncertainty or breakdown in this may easily mean extreme losses.

Livestock and livestock products as shown by this same compilation above referred to, amounted to 3,567,000 tons. There are few, if any, products of the State which are so exclusively dependent upon road transport as are livestock and its products. Almost without exception these movements are by motor transport, whether the distance moved be long or short. Again, it may be pointed out that all of these commodities, and particularly market milk and other dairy products, call for speed and certainty in their movement.

There is need also to emphasize that the movement of farm products by highway is by no means something which concerns the farmer only. For the city dweller is fully as much concerned. Even in 1933, as was shown in the 1934 Transportation Survey, 83 per cent of the total tonnage received at the Los Angeles market came by truck, monthly receipts varying from 58,000 to 93,000 tons. During the same year at the San Francisco market 286,000 tons, or two-thirds of their total receipts, came by truck.

The constant and increasing use of trucks to supply these markets is a matter of common knowledge. Records of the movements of fruits and vegetables show that in 1941 trucks were carrying over 85 per cent of these commodities into the Los Angeles market and more than 69 per cent into San Francisco.

#### **Mineral Products**

No more than with respect to agriculture is it the purpose of this statement to attempt to establish the importance of the mineral production of California. It is, however, pertinent to draw attention to the *volume* of these products and note how heavily they depend upon the highways for their exploitation and distribution.

During the normal prewar year of 1941, total mineral production is reported by the State Mineralogist to have been approximately 79,000,000 tons. This, of course, included a very long list of individual items, but the large bulk of this tonnage is accounted for by the three products:

	Tons
Petroleum -----	38,000,000 (approx.)
Cement -----	3,665,000 (approx.)
Stone (includes sand, gravel, crushed rock, etc.) -----	34,626,000 (approx.)

With rare exceptions, these millions of tons of cement and stone products all have resort to motor transport over the road before their final use. In the case of petroleum products, which represent the largest single tonnage volume, their great dependence on the highways for distribution is not so generally appreciated. However, accurate records of large producers and marketers of petroleum show that in ton-miles of total movement fully 50 per cent is by motor transport.

#### *Forest Products*

Here again, with respect to another of the State's greatest products, we find how large a role the highway must play in the operation. There may be an inclination to think that truck movement of lumber is a comparatively minor part of the whole. The following table prepared by the Forest Service of the U. S. Department of Agriculture quickly refutes any such thought.

#### *Lumber Hauled by Truck in California by Regions*

U. S. Forest Service California	Volume (thousand board feet)	Per cent of regional cut	Average distance one-way haul miles
Pine Region -----	845,000	47%	35
Redwood Region -----	146,000	30%	200
	<hr/> 991,000	<hr/> 43%	<hr/> 59

This movement by motor transport of approximately one billion board feet of lumber for an average haul of 59 miles is simply another imposing instance of the scope and importance of the State's highways.

This huge volume of freight traffic which our highways are called upon to handle is of constant and increasing concern to this department. We have noted that 22 per cent of all vehicles on the highway at the present time are freight vehicles. The short table of comparison below is of special interest. All are aware of the swift growth of motor traffic, and few will be surprised to find that over-all registration had increased 50 per cent between 1930 and 1941. But note that during this same period "trucks" increased 122 per cent; "trailers" increased 279 per cent; and the combination of "trucks plus trailers," which are the "freight vehicles," increased 174 per cent. No more convincing recognition could be given of the value which users place on highway transport.

	1930	1941	Increase
Total Registration -----	2,136,630	3,198,669	50%
Passenger Cars -----	1,941,969	2,740,101	41%
Trucks -----	99,387	221,146	122%
Trailers -----	48,532	184,096	279%
Trucks plus trailers -----	147,919	405,242	174%

We wish also to emphasize that not only has there been this great increase in the number of freight vehicles using the highways but there has also been a marked increase in the average load which these vehicles carry, as shown by the following table:

TABLE 1  
COMPARISON OF AVERAGE WEIGHT OF TRUCKS, 1944 VS 1936

Vehicle classifications	Year weighed		Per cent increase in average weight over the period
	1944	1936	
	Pounds	Pounds	
Empty trucks and combinations	9,372	7,225	34.7%
Loaded trucks and combinations .....	23,470	13,779	70.3%
All trucks and combinations .....	19,281	11,556	66.8%
Average maximum axle load of loaded trucks	11,995	6,622	81.1%

GROWTH IN TRUCK REGISTRATIONS,<sup>1</sup> 1936 TO 1944

Year	Truck registrations	Per cent increase over 1936
1936 .....	148,991	
1937 .....	164,132	10.2%
1938 .....	170,483	14.4
1939 .....	182,825	22.7
1940 .....	198,895	34.2
1941 .....	221,146	48.4
1942 .....	216,955	45.6
1943 .....	215,465	44.6

<sup>1</sup> Light trucks registered as automobiles are not included in this tabulation.

Photographs are included in Volume II of this statement which show typical examples of today's freight movements on the highway. These are not presented as examples of "overloads" but of the ordinary regular traffic to be seen daily throughout the State. Naturally, some "overloads" occur, but there is ample legal provision to care for such situations. The critical problem is not with these but with the rapid increase in freight vehicles, which, while fully within legal weight limits, do nevertheless have a very much higher average axle load than formerly. The increase in repetition of these heavy axle loads and the growing

extension of such traffic into the more out-of-the-way sections presents a situation which can not be ignored.

### **Revenues**

The revenues received by the Division of Highways to be used for State highway purposes are derived from the following sources:

- Gasoline Tax
- Motor Vehicle Registration Fees
- Use Fuel Tax (Diesel)
- Caravan Fees
- Federal Aid

Data covering amounts received from each of these sources for the last five fiscal years were included in our report of August 24, 1944, to the committee, prepared at the request of your chairman, Senator McCormack, in his letter of July 15th. However, in order that this information may be available for ready reference, certain of those tabulations are also being made a part of this study (Tables 2, 3, and 4):



TABLE 2  
GASOLINE TAX

Fiscal year	July 1-June 30	Net Collections	Apportionment				Counties
			State Highways	State Hwy. in Cities $\frac{1}{4}$ ¢ Tax	City Streets $\frac{1}{4}$ ¢ Tax	Total Div. of Hwys.	
91	1938-1940	\$49,957,683 65	\$24,978,841 83	\$4,163,140 30	\$4,163,140 30	\$33,305,122 43	\$16,652,561 22
92	1940-1941	51,929,155 62	25,964,577 81	4,327,429 64	4,327,429 64	34,619,437 09	17,309,718 53
93	1941-1942	58,612,297 72	29,306,148 87	4,864,358 14	4,864,358 14	39,074,865 15	19,537,432 57
94	1942-1943	47,785,661 75	23,892,830 88	3,982,138 48	3,982,138 48	31,857,107 84	15,928,553 91
95	1943-1944	41,671,938 55	20,835,969 29	3,472,661 54	3,472,661 54	27,781,292 37	13,890,646 18

TABLE 3  
MOTOR VEHICLE REGISTRATION FEES

Fiscal year	July 1-June 30	Net Collections	Appropriation to Motor Vehicle Department	Balance for Apportionment	Apportionments	
					State Highway Fund	To Counties
91	1938-1940	\$12,381,617 45	\$4,402,514 24	\$7,959,103 21	\$3,979,351 61	\$3,979,551 60
92	1940-1941	12,865,161 01	4,730,986 29	8,134,174 72	4,067,087 36	4,067,087 36
93	1941-1942	14,008,267 67	5,148,140 92	8,860,126 75	4,430,063 37	4,430,063 38
94	1942-1943	13,855,417 99	5,091,696 52	8,763,721 47	4,381,860 73	4,381,860 74
95	1943-1944	13,769,282 24	5,090,788 02	8,708,494 22	4,354,247 11	4,354,247 11

TABLE 4  
OTHER STATE HIGHWAY REVENUES

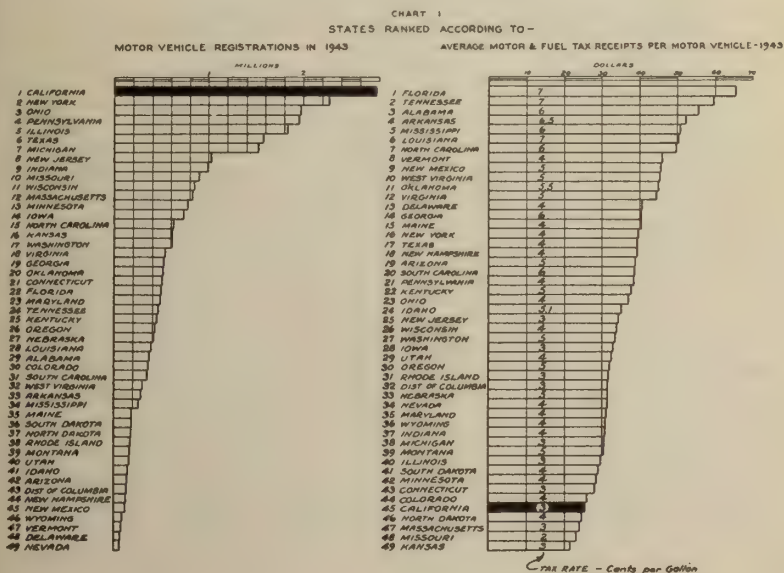
Fiscal year	July—June	Use Fuel Tax (Diesel)	Caravan fees	Federal aid
91-----	1939-1940	\$485,630 89	\$81,597 06	\$4,804,266 71
92-----	1940-1941	667,313 60	111,076 75	6,816,651 57
93-----	1941-1942	1,041,617 08	115,713 75	5,047,428 05
94-----	1942-1943	1,180,469 99	57,543 75	3,507,538 17
95-----	1943-1944	1,332,229 67	53,666 25	1,987,594 50

These foregoing tables are in the main self-explanatory and consequently require little comment. Revenue from the Gasoline Tax shows a marked decline from 1941, due primarily to the wartime restrictions imposed upon the use of private passenger cars. While to date the number of motor vehicles registered has shown only a slight drop, this situation can not reasonably be expected to continue for long. A remarkable job has already been accomplished in the keeping in service of such a high percentage of the cars we possessed when their further manufacture was abruptly halted by the war. However, all surveys agree that an increasing number of the older vehicles are daily going out of commission, a condition which will not be overcome until replacements are available at a rate sufficient not only to take care of losses as they occur but also to make up the already accumulating deficit. When this will be is problematical, but at all events, even under the most favorable circumstances, the complete return to normal requirements is not a prospect of the immediate future.

It will be noted that the amount of Federal Aid (Table 4, above) received for State highway purposes has been greatly reduced during the past two years. Such Federal funds as have been received have been mainly in the nature of reimbursements for expenditures made during previous years from apportionments made prior to the war. The last allocation of Federal Aid, except for military purposes such as access roads and flight strips, was made by the Federal Aid Highway Act of 1940, and programs of projects under these funds were canceled by the Federal Government shortly before Pearl Harbor.

The question of future Federal Aid for highways is now under consideration in Congress, and while it would appear that this aid to the States will be continued, it is at this time merely a matter of speculation both as to their amount and the time when such funds might become available.

In considering the revenues accruing to the State highways in California, the following chart showing comparative rank of all States with respect to vehicle registration and the amount of revenue per vehicle from registration fees and fuel taxes is particularly pertinent (Chart 1, below). It will be noted at first glance that California ranks first in the total number of motor vehicles registered and forty-fifth in the average per-vehicle receipts from fees and fuel taxes. This chart also shows the cents per gallon of gasoline assessed in each State.



Equally pertinent in any review of highway revenues is Table 5, on page 18, which lists the Highway User Taxes (exclusive of Federal Taxes) assessed in California and shows the distribution of these moneys as between highway and nonhighway work. The figures given are for the fiscal year ending June 30, 1943, the latest for which details are available. Revenues from these sources for other fiscal years are shown on Tables 2, 3, and 4 (pages 14 and 15).

**Expenditures**

The expenditures made by the Division of Highways during the period of the last seven fiscal years, beginning July 1, 1937, and ending June 30, 1944, are shown in Table 6 on page 19. These expenditures are shown separately for "Expenditures for State Highway Purposes" and "Expenditures for Other Purposes." Under the first heading the expenditures are broken down so as to present separately the major items of:

- Expenditures on Rural State Highways
- Expenditures in Cities
- Maintenance
- Administration

While these headings approach self-explanation as nearly as can be achieved without undertaking voluminous detailed description, it is pointed out that the expenditures on rural State highways and in cities include, particularly during the last three fiscal years, moneys expended on the State Highway System for military purposes from Federal Access Road Funds appropriated by the National Defense Highway Act of 1941 for improvement of roads essential to war plants, such as shipyards, aircraft plants, and military reservations.

Under "Miscellaneous Expenditures" are shown the amounts expended for several purposes that are not properly included in the four main items. "Expenditures for Other Purposes" are likewise broken down so as to show the general nature of the expenditures that are made off the State Highway System. The amount shown under "Feeder Roads" for the last three fiscal years includes moneys expended on other than State highways for military purposes from Federal Access Funds.

During the last three fiscal years there was expended a total of \$23,540,000 from Federal Access Funds for roads to military establishments, including all projects, both city and county and State highways and local roads.



TABLE 5  
HIGHWAY USER TAXES IN CALIFORNIA, EXCLUSIVE OF FEDERAL TAXES  
FUNDS COLLECTED AND DISTRIBUTION OF FUNDS, FISCAL YEAR ENDING JUNE 30, 1943

	Revenue collected	Totals distributed	Distribution					
			Highway work			Non-highway work		
			State	Counties	Cities	Total highway	State	Counties
Motor Vehicle Fuel License Tax.....	\$45,444,977 82	\$45,032,000 02	\$23,892,530 88	\$13,346,778 15	\$7,694,276 96	\$44,933,585 99	\$246,339 17	\$2,581,775 76
Motor Vehicle Registration Fees.....	13,534,887 51	13,855,417 99	4,381,860 73	4,381,860 74	.....	8,763,721 47	5,091,696 53	.....
Use Fuel Tax.....	1,246,570 98	1,180,469 99	1,180,469 99	.....	.....	1,180,469 99	.....	.....
Motor Vehicle Transportation License Tax.....	4,970,895 78	4,970,895 78	.....	.....	.....	.....	4,970,895 78	.....
Motor Vehicle License Fee (in lieu tax).....	12,568,685 11	12,568,685 11	3,469,000 00	.....	.....	3,469,000 00	2,581,683 35	.....
Charaxes fees.....	115,087 80	115,087 50	57,543 75	.....	.....	57,543 75	.....	.....
Totals.....	\$78,138,860 46	\$80,330,845 87	\$32,981,705 35	\$17,728,638 89	\$7,694,276 96	\$58,404,621 20	\$12,830,138 55	\$5,890,940 84

<sup>1</sup> Fuel Tax. Assessed at 3¢ per gallon, and apportioned (1) to pay refunds and administrative costs, (2) one-third of balance to the counties, (3) remaining two-thirds to the State Highway Fund, out of which one-quarter cent per gallon is allocated to streets of major importance in cities and one-quarter cent per gallon to State highways in cities.

<sup>2</sup> Registration and weight fees are apportioned not to exceed 35% per cent for the support of the Department of Motor Vehicles, one-half of the balance to the counties and the remainder to the State Highway Fund.

<sup>3</sup> Use Fuel Tax. Assessed at the rate of 3¢ a gallon on the use of fuel, except that fuel subject to tax imposed by the Motor Vehicle Fuel License Tax Act, to propel a vehicle on a highway. Apportioned, after payment of authorized refunds, to the State Highway Fund for repair, reconstruction of, addition to, or replacement of bridges on State highways passed for less than legal speeds or weight.

<sup>4</sup> Motor Vehicle Transportation License Tax. Assessed at 1¢ per vehicle, one-half of the balance to the counties and the remainder to the State Highway Fund.

<sup>5</sup> Motor Vehicle License Fee—"in lieu tax." 14% of market value of vehicles apportioned. (1) Not to exceed 35% to Department of Motor Vehicles, (2) to State General Fund, 40% to counties, 40% to cities.

<sup>6</sup> \$18 per vehicle, one-half of fees paid into Motor Vehicle Fund, one-half into State Highway Fund.

<sup>7</sup> Heavyweight of Unemployment Relief Loans.

<sup>8</sup> Amounts distributed in a year do not necessarily equal the revenue collected in that year.

TABLE 6  
EXPENDITURES FOR FISCAL YEARS ENDING JUNE 30, 1938-1944

	1938	1939	1940	1941	1942	1943	1944
<b>EXPENDITURES FOR STATE HIGHWAY PURPOSES</b>							
Expenditures on Rural State Highways.....	\$20,954,047 49	\$10,044,850 56	\$14,191,902 90	\$18,236,670 01	\$17,847,286 69	\$14,953,115 61	\$13,567,627 83
Expenditures in Cities, including major city streets.....	10,571,950 11	10,314,996 13	12,725,603 00	12,470,045 71	12,801,188 94	10,392,801 50	9,264,838 94
Maintenance.....	10,465,046 08	8,288,655 52	9,275,838 21	10,454,767 10	10,847,289 61	7,979,714 32	8,940,230 60
Administration.....	1,867,714 55	1,645,942 83	1,740,157 73	2,001,248 88	2,036,516 10	1,972,778 96	1,918,177 99
<b>Miscellaneous Expenditures</b>							
Bay Bridge Operation.....		469,529 57	608,608 83	618,609 21	643,507 66	654,884 00	684,109 41
Bay Bridge Construction Authorized by Legislature.....					47,535 34	4,034 82	
Planning Service.....	122,219 35	148,043 40	111,416 99	121,189 72	117,909 65	104,753 22	83,448 05
Equipment, Plans, Suspende.....	604,498 88	337,693 98	324,993 59	283,458 01	1,081,416 62	Cr. <sup>2</sup> 728,119 05	
Special Investigations.....	64,793 52	13,883 00	15,711 52	102,054 84	146,416 70	138,849 12	120,259 98
Purchase of Mum Wood Toll Road (783 37).....		25,000 00		Cr. <sup>2</sup> 941,272 85			
Bay Bridge Approaches.....							
<b>TOTAL EXPENDITURES FOR STATE HIGHWAY PURPOSES.....</b>	<b>\$44,664,257 88</b>	<b>\$40,330,565 09</b>	<b>\$39,964,132 17</b>	<b>\$43,454,337 23</b>	<b>\$45,371,567 37</b>	<b>\$35,440,708 29</b>	<b>\$33,795,999 27</b>
<b>EXPENDITURES FOR OTHER PURPOSES</b>							
Feeder Roads.....	\$975,467 53	\$1,689,299 06	\$674,667 48	\$724,160 74	\$1,311,367 38	\$8,423,694 77	\$4,672,853 74
Feeder Roads.....	15,843 37	22,092 75	22,790 85	8,327 70	16,482 17	11,281 12	3,547 86
Joint Highway Districts.....	95,730 56	Cr. <sup>2</sup> 57 64	43,000 00	148,583 00	127,889 00	142,933 33	21,222 31
Fish Strips.....		33,532 40	30,543 09	30,733 41	37,969 43	1,662,324 07	497,033 94
Outdoor Advertising.....	32,375 40				33,409 44	26,885 64	28,330 24
Work for Other Agencies, Reimbursable.....	108,900 97	73,260 80	117,417 69	114,488 04	157,751 85	Cr. <sup>2</sup> 89,160 39	
County Postage Projects.....							612,080 06
<b>Total Expenditures for Other Purposes.....</b>	<b>\$524,137 83</b>	<b>\$1,220,042 81</b>	<b>\$888,499 22</b>	<b>\$1,030,292 91</b>	<b>\$1,661,550 37</b>	<b>\$10,180,452 54</b>	<b>\$5,835,018 15</b>
<b>TOTAL EXPENDITURES.....</b>	<b>\$45,188,395 91</b>	<b>\$41,550,607 90</b>	<b>\$40,852,631 39</b>	<b>\$44,484,630 14</b>	<b>\$47,033,117 74</b>	<b>\$45,621,160 83</b>	<b>\$39,629,017 42</b>

<sup>1</sup> Construction charges which had been accumulated in prior years under this heading were in 1941 allocated to county, route, and city locations.

<sup>2</sup> Net result of transactions involving Buildings, Plants, Equipment, and Suspense items was a credit in 1943 and 1944.

<sup>3</sup> Transfer of unexpended expenditures on Work for Other Agencies to Billing Suspense Account.

### Special Functions

There are a number of special responsibilities devolving upon the Division of Highways, which although properly functions of the department are nevertheless somewhat out of the ordinary and so deserve brief separate mention. Among these are:

- San Francisco-Oakland Bay Bridge
- Convict Labor on State Highways
- Federal Railroad Grade Crossing Program

#### *San Francisco-Oakland Bay Bridge*

Under provisions of the act authorizing the construction of the Bay Bridge, all costs arising from the operation and maintenance of the bridge and its approaches must be paid from the State Highway Fund, since under the Bond Resolution all bridge tolls and other bridge revenues are obligated to be used for bond interest and principal payments, use and occupancy insurance premiums, and the fiscal agent's expenses.

The annual costs of maintenance and operation during the last five fiscal years are as follows:

Fiscal Year	Maintenance and Operation Expenditures
Ending June 30, 1940.....	\$608,605.83
June 30, 1941.....	628,606.21
June 30, 1942.....	643,507.66
June 30, 1943.....	654,884.09
June 30, 1944.....	684,109.61

Each of the annual totals includes an item of approximately \$112,000, being the premium on physical damage insurance. The totals for each of the last two years also include an additional premium of \$54,000 for war damage insurance.

As the result of the shortages of labor and materials caused by the war, it has been impossible to maintain a painting crew sufficiently large to keep the work up to schedule. Consequently, in order to prevent permanent damage to the structure, it will be necessary to undertake a considerably accelerated painting program as soon as men and materials are available. It is estimated that, including the accelerated painting program but excluding the physical damage insurance, the annual maintenance expenditures will be in the vicinity of \$820,000 for the next several years. If sufficient men and materials are available, the enlarged painting program will probably be necessary for a period of about three years.

*Convict Labor*

Convict labor was first employed to construct State highways in August, 1915, under authorization of an act passed by the Legislature May 20, 1915. Under this act the Prison Road Camps were administered under the dual control of the Highway Commission and the Prison Board. No provision was made to pay convicts a wage for their work. The dual authority which existed under this act and the resultant lack of control of convicts led to the enactment of the present law June 9, 1923. Under this act a wage and time credit was provided for the road camp convict and authority of the two departments clearly established.

The original daily wage was set at \$2.10, which has since been increased, first to \$2.24, later to \$2.50, and on October 1, 1943, the present rate of \$3 per day was established. From this deductions are made for food, camp maintenance, and other items. The net credit to each convict's account is not permitted to exceed an average of \$0.75 per day for each day worked.

Since July 1, 1925, when wages were first paid to the convict laborers, a total of \$20,252,000 had been expended for convict labor projects up to the end of the last fiscal year, June 30, 1944. Of this total, \$4,670,000 represented convict wages.

At the present time only two road camps are operating, both with curtailed convict quotas: one at Burnt Ranch in Trinity County on Route 20 with a quota of 50 convicts; and one at Moosa Canyon in San Diego County on Route 77, where the quota is 75.

In addition to these two camps, buildings of a third at Cedar Springs on the Angeles Crest Highway in Los Angeles County are held in readiness for resumption of work after the war. Work at this camp was suspended in September, 1942, due to the fact that it was not considered necessary to the war effort.

Based on normal convict quotas totaling 415 and normal construction operations, the three camps will require an approximate annual expenditure of \$725,000.

Expenditures for Convict Road Work are included in the totals shown under "Construction Rural State Highways" in the table previously introduced (Table 6).

*Railroad Grade Separations*

Prior to the inauguration in 1935 of a Federal policy of allocating funds for grade separation of railroads and highways, projects of this type on the State Highway System were financed jointly by the State and the railroad concerned. The proportion of cost to be borne by each party was set by the California Railroad Commission. Approximately 95 separations now on the State Highway



System were so financed. In addition approximately 100 of the separation structures now in use had been built by either cities, counties, or the railroads themselves, before the road was taken into the highway system.

Under the Federal Grade Crossing Program 58 separations have been constructed, as listed in the following table:

### RAILROAD GRADE SEPARATIONS

on

### STATE HIGHWAY SYSTEM

Constructed under Federal Grade Separation Program  
1936-1944

Class of separation	Cost of separation		
		Total	Avg. per separation
Separations on new routes or revisions of existing routes remotely affecting existing grade crossings	7 Rural	\$609,535	\$87,076
	3 Urban	1,043,107	347,702
Existing separations reconstructed or improved	5 Rural	340,133	68,027
	1 Urban	46,782	46,782
Separations eliminating existing grade crossings or removing a major portion of the traffic from them	31 Rural	4,036,035	130,194
	11 Urban	2,325,250	211,386
All Classes Combined	43 Rural	4,985,703	115,947
	15 Urban	3,415,139	227,676
	58 Total	\$8,400,842	\$144,842

The costs for these separations under the Federal program have been met in the main by Federal funds specifically provided for that purpose, the State being called upon to bear the costs for any necessary right of way and those incidental improvements to the highway which are not properly chargeable to the separation of grades.

Expenditures made for separations in either rural or urban areas are included in the totals given in the over-all Expenditure table under the respective headings: "Construction Rural State Highways" and "Expenditures in Cities" (Table 6, page 19).

As of August, 1944, there were still 965 locations where railroads cross the State Highway System at grade, 696 of which were crossings of main or branch lines and 269 were spur track crossings. Of the main and branch line crossings,

305 were in urban territory and 391 in the rural areas. The spur track crossings were divided 142 urban and 127 rural.

In considering the further elimination of grade crossings, it must be kept in mind that the "easier" of the worthy projects, because of practical reasons, have been completed. The inclusion of these—some costing as little as \$18,000—alone accounts for the fact that the average cost to date is not a great deal higher than the \$145,000 shown. Of the grade crossings which remain, those most fully justified on the basis of traffic needs involve more difficult problems of location and property damage, and their average cost will consequently be very much higher. An example is the Burbank separation on Route 4, the cost of which was \$384,000.

The future policy of the Federal Government regarding the setting aside of funds to be used exclusively for the elimination of railroad grade crossings is a matter of speculation. An indication that this program will be continued at least to a limited extent is contained in the present legislation now under consideration by Congress. Should Senate Bill No. 2105 now before Congress become the law, California would participate to the extent of slightly more than \$6,000,000 during a three-year period. In the absence of funds definitely earmarked for them, grade crossing separation proposals naturally will have to justify themselves on an equal basis with all other State highway needs.

### **Critical Deficiencies**

The situation with regard to expenditures for State highway purposes over the last several years was briefly discussed by the Director of the Department of Public Works at the meeting of your committee on October 4, 1944. A portion of the statement made at that time is quoted:

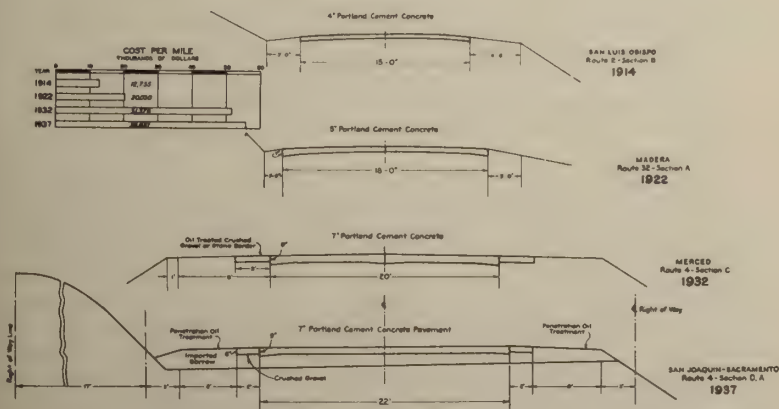
"The first income from gasoline tax in California became available in the 1923-1924 fiscal year, and the last of the bond issue money was expended the following year. Beginning with those years, the income per mile of road and per registered car began to rise, and with the increased income from gasoline tax, beginning in 1927, the annual income for highways reached approximately \$10 per registered vehicle, or, in terms of miles of road in the State Highway System at that time, slightly in excess of \$3,000 per mile. This level of income was maintained for a short period of time. In 1933 the Legislature allocated one-quarter cent of gasoline tax to State highways within incorporated cities, and in 1935 another quarter cent was allocated to major city streets. At this same time (1933) the State Highway System was increased by some 6,000 miles. This extending of the system over which the funds were to be expended, both on rural roads and city streets, quite naturally reduced the funds available per mile of road, and likewise per registered vehicle using those roads.

"During the intervening years, because of the increase in traffic volumes and speeds, and the increase in truck traffic—both in quantity and size of vehicles—it has been necessary to provide wider traffic lanes generally throughout the system, multiple lanes over a considerable mileage, longer radius curves, and to a considerable degree lesser grades. It has also been necessary to provide in many instances grade separations, extensive channelization schemes, traffic signals, and other necessary improved facilities.

"Thus, during the last ten or twelve years prior to the war, the cost of traffic service over this extended system had increased very materially per vehicle unit; and while there had been an increase in total gasoline tax and registration fees, there had been a gradual losing of ground in so far as over-all improvement of the entire highway system was concerned."

The accompanying sheet of typical cross-sections (Chart 2, below) of rural highways constructed during various periods since the establishment of the Division of Highways has been prepared in an endeavor to show in a graphic manner the increasing burden of expenditure entailed in providing facilities which even approximate the demands of developing traffic. The inevitable process of obsolescence is easily noted.

CHART 2  
TYPICAL CROSS SECTIONS  
1914-1944



In undertaking the preparation of a statement on the critical deficiencies of the State Highway System at the present time, it was first necessary to delimit the scope of the term "deficiency" as used here; and, likewise, to assure a reasonable measure of uniformity in selection, some agreed upon understanding was needed in qualifying such "deficiencies" as being "critical."

Accordingly, the several District Engineers were instructed to prepare a report in detail showing the individual parts of the State Highway System in their respective districts which "because of some marked deficiency are in urgent need of improvement or replacement." These were to be termed "critical projects" and it was emphasized that this list was to be restricted to those projects which because of actual deficiencies warrant immediate consideration. Thus, the scope was limited to *deficiencies in the physical facilities of the existing system*, and in order to further clarify the meaning to be attached to the qualification "critical" the following additional instructions were included:

It is particularly desired that you distinguish as between critical projects and worthy projects. It is clearly recognized that there are many projects on the highway system that are worthy of consideration, but all such projects are not critical in the sense that this term is to be used in this report.

The determination of projects to be included in this report is to be based upon the following:

1. Maintenance cost, particularly the cost of maintaining the traveled way and shoulders.

A critical project under this heading is considered to be a project showing a structural weakness of base or pavement and maintenance cost to be abnormally high, well above the average for the District, and it is reasonable to believe that an expenditure for improvement will result in an average or less maintenance expense.

2. Average Daily Traffic.

A critical project under this heading is considered to be a project where congestion results because of insufficient traffic lanes to accommodate either the average traffic flow or a regular peak traffic load occurring not less than thirty times a year.

3. Traffic Accidents.

A critical project under this heading is considered to be a project showing an abnormally high accident rate, considering the average accident rate for your District and the State as a whole.

4. Obstruction to Traffic.

A critical project under this heading is considered to be a project where traffic is frequently obstructed by recurring slides, floods, or other obstruc-



tion and it is reasonable to believe that the condition can be corrected or at least materially improved by a major expenditure.

#### *Critical Bridges*

There are many things which may act to restrict or to prevent the use of a road, but of these none is more obvious or positive in its effect than an inadequate bridge. There are many of these on the State Highway System. Just where they are and how widely they affect the entire system can be immediately observed by reference to the base and overlay maps which were prepared for this purpose and form a part of Volume II of this statement. It will be found possible by the use of these maps to relate this critical bridge situation to either the State's population, its agricultural area, or the recreational area which also includes within its boundaries other vast potential natural resources of the State.

The "Critical Bridges" covered in this statement are those structures which because of weakness or deterioration will require replacement within an eight- or ten-year period. Roughly, they fall into three main categories:

First are those posted bridges which are both too weak in original design to carry legal loads and at the same time are now in poor physical condition. These naturally are of primary concern.

Second are bridges which at present are sufficiently strong to carry legal loads but in which deterioration has progressed to such a degree that the bridge must either be posted or replaced in the near future.

The third class is made up of those bridges which while in fair physical condition at the present time are of too weak design to accommodate legal loads and will within a few years require replacement either in whole or in part.

Volume II contains photographs showing a number of typical examples of each of these types and of the modern bridges which must replace them.

#### *Structural Weakness, Base or Pavement*

Roadbeds which are structurally inadequate for the type of traffic they are called upon to carry are doubly critical. Such weaknesses tend to restrict or to altogether preclude travel at normal speed and the movement of legal loads. When this occurs the highway has failed in the fundamental purpose for which it was created. A second critical condition unavoidably results, for in the constant endeavor to keep all restrictions on traffic to a minimum, excessive maintenance expenditures year after year can not be escaped. Relief from this can be had only through major action for the permanent cure of these weak roadbeds.

The portions of the system where sections of critically weak roadbed and consequent high maintenance cost occur are not confined to any one region but,

like the critical bridges, are to be found throughout the system, as may be readily observed by again referring to the set of overlay maps in Volume II.

#### *Inadequate Traffic Capacity*

That we have more traffic than we can properly handle, with still further increases sure to come, ordinarily would be good cause for satisfaction. However, there is one sobering feature which detracts materially from any such sense of gratification. And that is the knowledge and realization that we have not only not kept pace with traffic increase but have been steadily falling behind in the matter of providing the additional lanes which this increased volume requires. This naturally is a matter of very grave concern to the Division of Highways, for, as we have already commented, it is not even sufficient that road transport facilities merely keep pace with existing traffic. If our State's development is to go forward unhindered, transportation facilities must be provided *in advance* to accommodate the increasing traffic which the very existence of adequate roads helps to create.

Those sections of the system where traffic volume is in excess of that which the present highway will properly accommodate have been indicated on one of the overlay maps in Volume II. This list has been confined to those portions of the present two-lane or three-lane mileage where additional lanes must be added. Selection has not been based upon any arbitrary, inflexible formula, since many variable elements may combine to affect the practical working capacity of a road. None, however, were even considered for inclusion which did not meet a minimum qualification of carrying an average daily volume of 5,000 cars or frequent peaks of 600 or more per hour. As is logically to be expected, you will note that they are closely related to the more heavily populated areas.

#### *Specific Points of Hazard or Obstruction*

In this category we have included those particular locations where records indicate an abnormal rate of accident recurrence, or where obstructions such as slides, floods, roadway subsidence, continue at frequent intervals to seriously delay and hinder traffic. In the selection of projects to be included in this group, special stress was placed upon the requirement that there be every reasonable assurance the improvement proposed would result in material and permanent benefit to traffic. These sections are shown on one of the overlay maps in Volume II.

#### *Freeways*

The urban traffic problem, particularly in the larger population centers, presents a combination of critical deficiencies that result from inadequate traffic

capacity, traffic hazards and specific obstructions in such quantity and with such frequency that to deal adequately with the immense volume of motor vehicle traffic in these areas calls for more than simply correcting "deficiencies in the physical facilities of the existing State Highway System." There is general agreement that an integrated system of freeways designed to serve the entire area is basic in any program for the solution of this pressing and difficult traffic problem. In Volume II will be found maps of typical urban areas:

Los Angeles Metropolitan Area

San Francisco Metropolitan Area

East Bay Metropolitan Area

which have been prepared to show the suggested initial portions of proposed freeway systems for the respective areas.

The over-all summary of critical deficiencies as shown by reports from the District Engineers, after a careful review by the State Highway Engineer and department heads, is submitted herewith in Table 7, page 29, under the following headings:

*Present Critical Deficiencies*

*Rural State Highways*

Critical bridges.

Deficiencies because of structural weakness of base or pavement

Deficiencies because of inadequate traffic capacity.

Deficiencies because of traffic hazard or specific obstruction.

*Urban State Highways*

Same categories as for rural.

*Freeways*

Freeways into and through urban areas.

Freeways on major traffic arteries.

TABLE 7  
CRITICAL DEFICIENCIES ON STATE HIGHWAY SYSTEM  
Rural Including Right of Way

	Primary		Total	Secondary		Total	Primary and secondary		Grand total
	North	South		North	South		North	South	
Critical bridges...	\$3,064,800	\$1,207,500	\$4,272,300	\$7,043,700	\$2,456,650	\$9,500,350	\$10,108,500	\$3,064,150	\$13,172,650
Structural weakness, base or pavement.	14,771,650	14,435,560	29,207,210	11,574,000	10,863,000	22,437,000	26,345,050	25,298,500	51,644,210
Inadequate traffic capacity...	49,963,287	54,017,100	103,980,387	11,215,570	17,010,160	28,225,730	61,178,857	71,027,200	132,206,117
Specific points of hazard or obstruction...	32,187,400	5,750,560	37,937,960	25,418,650	19,305,065	44,723,715	57,606,050	25,055,055	82,661,705
Total rural	\$99,087,137	\$76,410,720	\$175,497,857	\$55,251,920	\$49,634,915	\$104,886,835	\$155,239,057	\$125,045,635	\$280,284,692
							55 4%	44 6%	

Urban Including Right of Way

	Primary		Total	Secondary		Total	Primary and Secondary		Grand total
	North	South		North	South		North	South	
Critical bridges...	\$2,757,000		\$2,757,000	\$257,550		\$257,550	\$3,014,550		\$3,014,550
Structural weakness, base or pavement.	2,177,800	\$1,468,000	3,645,800	1,313,900	\$2,011,200	3,325,100	3,491,700	\$3,477,200	6,988,900
Inadequate traffic capacity...	12,940,560	11,671,700	24,612,250	4,793,750	8,725,300	13,519,050	17,734,400	29,307,000	38,131,300
Specific points of hazard or obstruction...	2,123,490	4,292,500	6,415,990	4,043,700	6,083,800	10,127,500	6,167,190	10,370,400	16,544,400
Total urban	\$19,998,840	\$17,430,200	\$37,429,040	\$10,408,940	\$16,820,300	\$27,229,240	\$30,407,890	\$44,450,500	\$64,658,300
							47 6%	53 10%	
Freeways							\$113,417,885	\$171,012,880	\$285,030,765
							39 5%	60 2%	
Total—Rural, urban, and freeways							\$369,064,742	\$330,960,065	\$699,974,747
							47 5%	52 5%	



### Summary and Conclusion

A restatement of the questions asked by the committee provides a most satisfactory outline for the following summary :

*Question 1. Of what economic importance to California is motor transport?*

Ample evidence has been presented to confirm what is already universally accepted, that motor transport is a thing vitally essential to the entire economy of California. Every phase of this economy, urban and rural, is now in some way so directly dependent upon motor transport that anything adversely affecting it has a certain and almost immediate effect upon every citizen of the State. In like manner, the improvement of motor transport facilities invariably results in benefit just as certain and far reaching. Motor transport is of such economic importance to California that to permit its destruction would bring disaster, while to improve it is an inescapable prerequisite for the proper development and expansion of California's vast economic resources.

Factual data are introduced (see preceding discussion) which show conclusively that the State Highway System occupies a position of such importance in the functioning of motor transport that whatever materially affects the State highways will produce major repercussions throughout the whole field of motor transport.

In addition to the data that have been presented on the importance of motor transport to California, it is pertinent to point out that under normal conditions before the war there were some 430,000 people employed directly and indirectly in the various activities in connection with motor transport.

*Question 2. What are the critical deficiencies of the State Highway System at this time, and why are they critical?*

This question has been covered in detail in the text of the statement (pages 23 to 29) under specific headings dealing with each of the several main types of deficiencies, and the general location is shown on the base and overlay maps in Volume II.

*Question 3. Is the construction and improvement of the State Highway System keeping pace with the obsolescence and deterioration?*

The answer to this is obvious in the very recital of the imposing list of long accumulating deficiencies which now confront the Division of Highways. This list is summarized in Table 7 on page 29.

*Question 4. What is the registration of motor vehicles in California as compared with other States?*

California ranks first among all States in this respect, as has been graphically shown in Chart 1 on page 16.

*Question 5. What is the revenue from fuel taxes and registration fees in California per registered motor vehicle as compared with other States?*

This comparison of revenues is also shown graphically in Chart 1 on page 16, where it will be noted that California ranks 45th among the 48 States.

*Question 6. What is the estimated amount available for State highway construction and improvement in the next biennium?*

In our report of August 24, 1944, to the committee it was estimated that approximately \$19,000,000 would be available as of June 30, 1945, for postwar construction.

In addition, it has been estimated that approximately \$15,500,000 will accumulate during the next biennium (July 1, 1945, to June 30, 1947) for construction purposes. A copy of the "Recommended Distribution of Ninety-seventh-Ninety-eighth Fiscal Years State Highway Fund" is shown on pages 48 to 50, inclusive. This amount, \$15,500,000, appears as Item 6 on page 49 under detail of allocation.

*Question 7. What will it cost to correct such deficiencies as exist?  
And within what period of time should the improvement be made?*

Table 7, on page 29, enumerating these deficiencies, includes an estimated cost of \$630,000,000 for their correction.

A 10-year period is suggested as the maximum time period within which these improvements should be made. Your attention is drawn to the fact that this survey treats only of deficiencies which actually exist at this time, and it naturally follows that their correction should be accomplished at the earliest possible date. It is particularly urgent that structural weaknesses wherever they exist, whether in bridges or in base and pavement, be cared for without delay. For they not only constitute a present hindrance to the normal flow of traffic but also hold the constant threat of actual disruption of traffic altogether. Deterioration of this kind proceeds at a continually increasing rate and the necessary expenditures to prevent total breakdown increase correspondingly. Thus it follows that if the fullest value is to be derived from income, these presently expensive deficiencies must be eliminated promptly. Deficiencies arising from conditions other than structural weakness are no less important, although not so immediately obvious. If it were possible to exactly evaluate the economic

losses entailed by reason of the particular inadequacies we have listed which restrict the full and free use of motor transport, they would be found to far exceed any estimated cost for their correction. In view of this, certainly no program which would extend the completion of these improvements beyond 10 years could be considered satisfactory.

*Question 8. How much of the cost can be met from present revenue?*

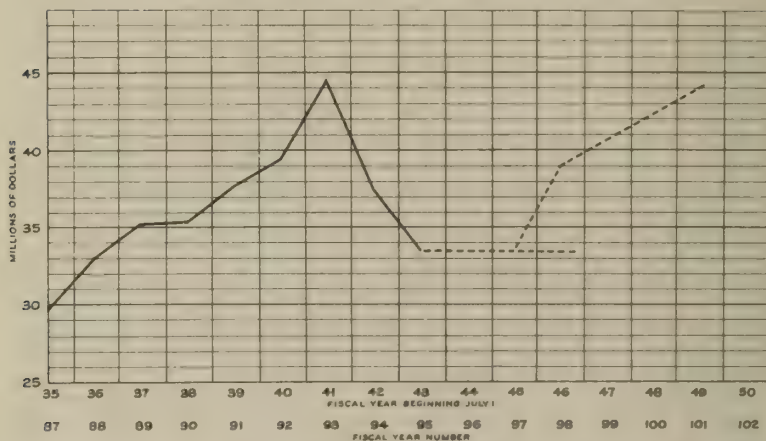
The revenues which will become available for the correction of deficiencies in the 10-year period after the war are estimated to not exceed \$240,000,000.

This question of the probable future revenue which may be expected from present sources of income is one which under normal conditions has always been difficult, and now becomes doubly so during this period of national and international uncertainty and confusion.

In undertaking to estimate what this future revenue may be, and in order to at least provide a base of known facts from which to project into the future, we have prepared the revenue curve shown on Chart 3, page 33, which represents actual revenues received by the Division of Highways from 1936 to June 30, 1944, the end of the Ninety-fifth Fiscal Year.

It will be at once noted that income dropped very rapidly from approximately \$44,700,000 in the Ninety-third Fiscal Year (July 1, 1941, to June 30, 1942) to \$33,500,00 in the Ninety-fifth Fiscal Year (July 1, 1943, to June 30, 1944) which has just ended. We wish to point out that this drop in revenue came as the result of intention and not by chance. Those in authority and in possession of all available and pertinent information decided that motor vehicle traffic during the war emergency period should be restricted to that which was essential. Any nonessential traffic clearly could not be countenanced under the urgency of all-out war effort. It was equally vital to this all-out war effort that *all essential motor vehicle traffic should be maintained*. The Federal Government, therefore, established all regulations considered by them as necessary to accomplish both of these purposes, first to restrict motor vehicle traffic to the *minimum essential* and, second, to make certain at the same time that traffic would *not drop below* this minimum. It was their determination from previous studies that it was essential to maintain passenger car use at a level of approximately 65 per cent of the prewar normal. The normal use of trucks was found to be almost wholly of essential character and, consequently, while some changes in use were ordered, the normal over-all mileage of truck vehicles was not to be reduced.

CHART 3  
STATE OF CALIFORNIA  
TREND IN REVENUE FROM FUEL TAXES AND MOTOR VEHICLE REGISTRATION FEES



The income for the Ninety-fifth Fiscal Year (July 1, 1943, to June 30, 1944) directly reflects the result of these governmental regulations, and receipts for the first two quarters of the present fiscal year have held at approximately this same level. Our records of traffic on the highways show passenger car use is being maintained at a rate approximately 65 per cent of the 1941 level; and truck traffic, while showing some variation in individual months both above and below these same months in the prewar period, has on the whole averaged very close to 100 per cent of normal use.

In view of the fact that the present level of rationing has now been practically stabilized for some time, and insofar as we are aware no radical changes are contemplated in the immediate future, it would appear that the program originally decided upon to hold passenger car traffic at 65 per cent and truck traffic at 100 per cent of the prewar normal has proved to be satisfactory in actual practice. This being true, we know of no warrant to justify a conclusion that there will be any material change in this arbitrarily fixed volume of traffic unless and until the conditions which are directly responsible for it have also changed. One of these would of course be an utter inability of this Nation to provide the



physical elements of cars, tires, and fuel needed to maintain this essential amount of traffic. This we do not admit as being within the realm of reasonable assumption. The other condition which could result in change of the present schedule of rationing would be a marked improvement in the military situation. Any attempt on our part to set even a tentative date for such a change could in the nature of things be little more than one of speculation, either optimistic or pessimistic, depending too greatly upon mere personal considerations.

Reasoning in this manner, it follows that the present rate of income will continue with little change for some indefinite period, how short or how long we can do no more than guess. That the military situation will eventually be resolved to our complete satisfaction is certain and undoubted, for this premise forms the only possible basis for the present study of future income. When it becomes possible to resume normal peacetime activities there are certain assumptions as to the trend in highway income which we feel can be made with reasonable assurance as to their reliability.

Since the very sharp drop in income from that of the Ninety-third Fiscal Year came about through arbitrary restriction of traffic to a fixed percentage of that which existed when motorists were limited only by their own personal decision, it seems logical to expect that when governmental restrictions are lifted approximately the same sharp rise toward prewar volume will occur. However, this sharp rise in all probability will not, and in fact can not, continue for a very long period. For regardless of the complete lifting of restrictions on use of motor vehicles, the number of vehicles available for use will definitely limit the total volume of traffic. The removal of this limitation can only come as new car construction is resumed, and only as fast as the volume of new construction can replace not only those vehicles which have disappeared entirely during the years when no new cars have been built but also replace cars which in increasing numbers will continue to be junked during the time new construction is catching up with the present deficit.

For the purpose of illustrating the trend which it seems reasonable to expect will occur, we have shown in broken line on the chart that the present level of income will, as we have previously stated, in all probability continue with little change for some indefinite period. On this projected line of income we have erected the trend of income which may be expected to occur beginning with the lifting of all arbitrary restrictions. Very frankly, we do not predict when that time will come. The point shown on the chart has been used simply because at that time—the beginning of the Ninety-seventh Fiscal Year (July 1, 1945, to June 30, 1946)—there will be a known sum—\$19,000,000—available for postwar construction.

If we are correct in assuming that when all restrictions are lifted traffic will increase at approximately the same rate at which it decreased when restrictions were imposed, income at the end of the first year thereafter should have risen to approximately the rate experienced during the Ninety-second Fiscal Year, of \$39,000,000 per annum. Thereafter the increase will undoubtedly be at a lessened rate more nearly parallel to that which prevailed prior to 1941. In that event it would require at least three more years before income again would equal that of our highest fiscal year, the Ninety-third, when receipts were \$44,700,000. To essay any projection further into the future would seem futile at this time. It does, nevertheless, appear reasonable to say that there is ample basis in the known facts as presented for the conclusion that the *average annual income* from present sources to the Division of Highways during the 10-year period following the lifting of wartime restrictions will not exceed that of the Ninety-third Fiscal Year. Income at this rate would provide in the neighborhood of \$22,000,000 per year which could be allocated toward the correction of the deficiencies dealt with in this report.

The postwar highway program now being planned was based on the total amount of expected income over a four-year period beginning at the end of the war, the income rate being based on the 1941 or prewar level, including normal Federal Aid of from four to six million dollars a year. It is apparent from Chart 3 (page 33) that the postwar income during the first four years from present sources will not meet the prewar level.

Should the highway bill now pending before Congress be enacted into law, the portion of the funds made available to California under the terms of the bill would little more than make up the difference between estimated income for the first four postwar years and the amount which conditions now indicate will be available.

**Question 9.** *What were the expenditures of the Division of Highways over the last three years before the war?*

The total expenditures for each year, 1938 to 1944, are given in detail in Table 6 on page 19.

**Question 10.** *What are the present administration costs and costs during normal times?*

The costs for "Administration" are shown separately under this heading in Table 6 on page 19 of this statement, entitled "Expenditures for Fiscal Years Ending June 30, 1938-1944."

*Question 11. What are the average costs per mile of two-lane highways in the North and South county groups?*

The cost of 42 contracts totaling 158.7 miles in the north county group during the last five years was \$57,800 per mile. This work was located in both valley and mountainous territory. The work consisted of:

- (a) Grading, surfacing, and armor coat.
- (b) Grading and surfacing with asphalt treated materials.
- (c) Grading and asphalt concrete pavement.
- (d) Grading and Portland cement concrete pavement.

The cost of 26 contracts totaling 87.9 miles in the south county group for the same period of time, including the same type of construction, and including work in both valley and mountainous territory, was \$60,700 per mile.

The entire investment in construction spread over the entire primary system as of 1939 shows an investment per mile of \$64,000 in the north county group and \$57,000 in the south county group. On the same basis, the investment per mile in the secondary system was \$22,000 north, and \$20,000 south. The wide difference in average investment per mile between primary and secondary systems is largely due to the fact that no improvement of a considerable portion of the secondary mileage has yet been possible.

In 1930 the Division of Highways compiled a report entitled "Report on the Orderly Addition of New Roads to the State Highway System." It was estimated at that time that the average construction cost per mile required to bring the Primary system up to standard suitable for traffic of 1940 was \$65,000 for the north county group and \$50,000 for the south county group.

The cost of construction varies considerably in either the north or the south, depending on the location and the problems peculiar to the individual project; and, too, many projects are constructed in whole or in part, which makes it difficult to pick out what may be considered typical construction.

From the figures given above it seems reasonable to state that the average cost of construction of a two-lane highway in the north county group has been in the neighborhood of \$60,000 per mile, while in the south county group it would appear to have been somewhat less, probably in the neighborhood of \$55,000 a mile.

*Question 12. What is the Primary and Secondary mileage in the two sections of the State? Reflect this mileage in terms of registered automobiles by counties.*

This information is contained in Tables 8 and 9 on pages 37 and 38.

*Question 13. What is the percentage of area of each county to total area of State?*

Two tables have been prepared, the first of which, Table 10 on page 39, shows comparison between the north and south county groups with respect to area, motor vehicle registrations, and registrations per square mile. Table 11, on page 40, shows this same information for each of the State's counties. This table also shows the approximate persons per motor vehicle as of 1940.

*Question 14. Does north or south have most mountainous Primary highways and mileages?*

Table 12, on pages 41-45, indicates the primary and secondary mileage of north and south classified by topography under the three headings of "Easy," "Rolling," and "Rugged." A map, on page 46, is also included, showing by legend the location of these various mileages.

TABLE 8

PRIMARY, SECONDARY AND TOTAL STATE HIGHWAY MILEAGE, NUMBER OF MOTOR VEHICLES REGISTERED AND NUMBER PER MILE OF PRIMARY HIGHWAY AND PER MILE OF TOTAL HIGHWAY FOR "NORTHERN" AND "SOUTHERN" COUNTY GROUPS IN 1943

	Northern counties	Southern counties	State total
STATE HIGHWAY MILEAGE			
Primary.....	2,430.043	2,041.986	4,472.029
Secondary.....	4,816.519	4,414.622	9,231.141
Total.....	7,246.562	6,456.608	*13,703.170
VEHICLE REGISTRATIONS			
Number.....	1,227,094	1,758,702	2,985,796
Per Mile—Primary Highway.....	505	861	668
Per Mile—All Highway.....	169	272	218

\* Does not include 188.106 miles of highway not yet constructed.



TABLE 9

PRIMARY, SECONDARY AND TOTAL STATE HIGHWAY MILEAGE, NUMBER OF MOTOR VEHICLES REGISTERED AND NUMBER PER MILE OF PRIMARY HIGHWAY AND PER MILE OF TOTAL HIGHWAY FOR EACH COUNTY IN 1943

County name	State Highway Mileage			Vehicle Registrations		
	Primary	Secondary	Total	Number	Per mile of primary highway	Per mile of all State highway
Alameda	80 997	101 524	182 521	214,782	2,652	1,177
Alpine	7 351	65 290	72 641	118	16	2
Amador	17 279	104 476	121 755	2,866	166	24
Butte	89 363	81 977	171 340	18,503	207	108
Calaveras	19 483	122 884	142 367	3,016	155	21
Colusa	44 254	57 418	101 672	4,526	102	45
Contra Costa	24 252	87 363	111 615	68,742	2,823	615
Del Norte	91 224	11 210	102 434	1,723	19	17
El Dorado	18 997	164 579	183 576	4,577	241	25
Fresno	32 957	318 219	351 176	76,871	2,332	218
Glenn	28 558	50 237	78 795	5,792	203	74
Humboldt	141 294	153 365	294 659	17,997	127	61
Imperial	155 139	173 793	328 932	20,456	132	62
Inyo	130 282	260 060	390 342	3,571	27	9
Kern	178 432	618 492	796 924	58,160	326	73
Kings	10 033	114 432	124 465	15,550	1,559	126
Lake	9 358	117 657	127 015	4,063	434	32
Lassen	50 899	150 819	201 718	6,064	119	30
Los Angeles	299,709	594 069	893 778	1,224,447	4,085	1,370
Madera	29 664	90 381	120 045	9,922	334	82
Marin	31 503	58 608	90 111	21,133	671	235
Mariposa	52 041	52 091	104 132	1,516	29	15
Mendocino	120 290	147 557	267 847	9,241	77	35
Merced	52 704	139 808	192 512	20,426	387	106
Modoc	40 856	143 963	184 819	3,456	85	19
Mono	105 968	167 107	273 075	612	6	2
Monterey	101 351	186 311	287 662	32,847	324	114
Napa	17 906	100 698	118 604	14,480	808	122
Nevada	75 280	60 813	136 093	5,067	67	37
Orange	84 445	203 079	287 524	66,270	785	230
Placer	99 499	49 270	148 769	10,640	107	72
Plumas	61 603	98 223	159 826	3,967	64	25
Riverside	190 947	435 208	626 155	46,200	242	74
Sacramento	88 572	92 700	181 272	76,712	866	423
San Benito	18 433	78 684	97 117	5,390	292	55
San Bernardino	444 512	522 013	966 525	70,897	159	73
San Diego	139 488	384 298	523 786	148,235	1,063	283
San Francisco	17 520	9 620	27 140	192,732	11,000	7,100
San Joaquin	89 404	124 562	213 966	58,962	659	276
San Luis Obispo	60 381	312 548	372 929	17,226	285	46
San Mateo	51 383	113 133	164 516	50,846	990	309
Santa Barbara	92 007	237 790	329 797	30,049	327	91
Santa Clara	97 257	113 095	210 352	77,849	800	370
Santa Cruz	13 540	105 033	118 573	18,392	1,358	155
Shasta	170 982	120 999	291 981	12,578	74	43
Sierra	18 979	70 395	89 374	792	42	9
Siskiyou	72 186	237 983	310 169	11,057	153	36
Solano	51 847	112 720	164 567	34,201	660	208
Sonoma	72 925	146 292	219 217	33,165	455	151
Stanislaus	53 169	97 788	150 957	36,127	679	239
Sutter	12 962	42 617	55 579	8,369	645	151
Tehama	131 964	79 908	211 872	6,125	46	20
Trinity	23 483	130 891	154 374	975	42	6
Tulare	95 862	291 927	387 789	44,299	462	114
Tuolumne	22 502	141 413	163 915	3,660	163	22
Ventura	64 814	214 238	279 052	28,280	436	101
Yolo	48 220	137 498	185 718	13,230	274	71
Yuba	25 719	32 015	57 734	7,947	309	138
Totals	4,472.029	9,231.141	13,703.170	2,985,796	863	218

**TABLE 10**  
**AREA IN SQUARE MILES, MOTOR VEHICLE REGISTRATIONS AND MOTOR VEHICLE**  
**REGISTRATIONS PER SQUARE MILE OF AREA FOR "NORTHERN" AND**  
**"SOUTHERN" COUNTY GROUPS IN 1943**

County group	Area		Motor vehicle registrations		Registrations per square mile
	Square miles	Per cent	Number	Per cent	
Northern.....	74.784	47.70	1,227,094	41.10	16.41
Southern.....	82.019	52.30	1,758,702	58.90	21.44
Total..	156.803	100.00	2,985,796	100.00	19.04

TABLE 11

AREA IN SQUARE MILES, MOTOR VEHICLE REGISTRATIONS AND MOTOR VEHICLE REGISTRATIONS PER SQUARE MILE OF AREA FOR EACH COUNTY IN 1943 AND PERSONS PER MOTOR VEHICLE IN 1940

County name	Area, square miles	Per cent of total area	Motor vehicle registrations, 1943	Per cent of total registrations	Registrations per square mile	Persons per motor vehicle in 1940
Alameda	733	.468	214,782	7.193	293.02	2.50
Alpine	723	.461	118	.004	.15	2.06
Amador	594	.379	2,866	.096	4.82	2.32
Butte	1,665	1.062	18,503	.620	11.11	2.02
Calaveras	1,028	.656	3,013	.101	2.93	2.00
Colusa	1,153	.735	4,526	.152	3.93	1.84
Contra Costa	734	.468	68,742	2.302	93.65	2.33
Del Norte	1,033	.640	1,723	.058	1.72	2.14
El Dorado	1,725	1.100	4,577	.153	2.65	2.29
Fresno	5,985	3.817	76,871	2.575	12.84	2.11
Glenn	1,317	.840	5,792	.194	4.40	1.87
Humboldt	3,573	2.279	17,997	.603	5.04	2.32
Imperial	4,284	2.732	20,456	.685	4.77	2.16
Inyo	10,091	6.435	3,571	.120	.35	1.95
Kern	8,170	5.210	58,160	1.948	7.12	2.08
Kings	1,395	.890	15,650	.524	12.06	2.03
Lake	1,256	.801	4,063	.136	3.23	1.82
Lassen	4,548	2.900	6,064	.203	1.33	2.21
Los Angeles	4,071	2.596	1,224,447	41.009	300.77	2.27
Madera	2,148	1.370	9,922	.332	4.62	2.09
Marin	521	.332	21,133	.708	40.56	2.80
Mariposa	1,455	.928	1,516	.051	1.04	2.15
Mendocino	3,510	2.238	9,241	.309	2.63	2.59
Merced	1,983	1.265	20,426	.684	10.30	2.17
Modoc	4,094	2.611	3,456	.116	.84	2.13
Mono	3,045	1.942	612	.020	.20	2.30
Monterey	3,324	2.120	32,847	1.100	9.88	2.12
Napa	790	.504	14,480	.485	18.33	2.30
Nevada	979	.624	5,067	.170	5.18	2.37
Orange	782	.499	66,270	2.220	84.74	2.04
Placer	1,431	.913	10,640	.356	7.44	2.14
Plumas	2,570	1.639	3,967	.133	1.54	2.39
Riverside	7,179	4.578	46,200	1.547	6.44	2.27
Sacramento	985	.628	76,712	2.569	77.88	2.21
San Benito	1,396	.890	5,390	.181	3.86	1.96
San Bernardino	20,131	12.838	70,897	2.374	3.52	2.30
San Diego	4,258	2.716	148,235	4.965	34.81	2.38
San Francisco	45	.029	192,732	6.455	428.29	3.14
San Joaquin	1,410	.899	58,962	1.975	41.82	2.30
San Luis Obispo	3,326	2.121	17,226	.577	5.18	2.04
San Mateo	454	.290	50,846	1.703	112.00	2.39
Santa Barbara	2,745	1.751	30,049	1.006	10.95	2.08
Santa Clara	1,305	.832	77,849	2.607	59.65	2.13
Santa Cruz	439	.280	18,392	.616	41.90	2.08
Shasta	3,846	2.453	12,578	.421	3.27	1.94
Sierra	958	.611	792	.027	.83	2.48
Siskiyou	6,313	4.026	11,057	.370	1.75	2.27
Solano	827	.527	34,201	1.145	41.36	2.29
Sonoma	1,579	1.007	33,165	1.111	21.00	2.01
Stanislaus	1,506	.960	36,127	1.210	23.99	2.01
Sutter	607	.387	8,369	.280	13.79	2.05
Tehama	2,974	1.897	6,125	.205	2.06	2.02
Trinity	3,191	2.035	975	.033	.31	2.33
Tulare	4,845	3.090	44,299	1.484	9.14	2.22
Tuolumne	2,275	1.451	3,660	.123	1.61	2.13
Ventura	1,857	1.184	28,280	.947	15.23	2.32
Yolo	1,034	.659	13,230	.443	12.79	2.01
Yuba	638	.407	7,947	.266	12.45	1.90
Total	156,803	100.000	2,985,796	100.000	19.04	2.31

TABLE 12

STATE HIGHWAY MILEAGE CLASSIFIED BY TOPOGRAPHY AS OF DECEMBER 31, 1938

	Primary				Secondary				Grand total mileage
	Easy	Rolling	Rugged	Total mileage	Easy	Rolling	Rugged	Total mileage	
North.....	953	627	859	2,439	1,525	1,487	1,792	4,804	7,243
South.....	1,217	645	197	2,059	1,924	1,387	1,043	4,354	6,413
Total.....	2,170	1,272	1,056	4,498	3,449	2,874	2,835	9,158	13,656
						No Existing Road			268
									13,924

Data as of 12-31-38  
 Tab. 4216



**TABLE 12**  
**STATE HIGHWAY MILEAGE CLASSIFIED BY TOPOGRAPHY AS OF DECEMBER 31, 1938**  
**NORTHERN PRIMARY**

County name	Easy	Rolling	Rugged	Total
Alameda	10.260	63.650	6.933	80.843
Alpine		7.351		7.351
Amador		17.251		17.251
Butte	53.950	2.020	33.405	89.375
Calaveras		19.539		19.539
Colusa	44.402			44.402
Contra Costa	3.890	7.610	12.940	24.440
Del Norte	1.050	20.090	70.306	91.446
El Dorado		19.920		19.920
Fresno	31.720			31.720
Glenn	28.558			28.558
Humboldt	6.194	56.137	79.570	141.901
Imperial				
Inyo				
Kern				
Kings	10.133			10.133
Lake			9.360	9.360
Lassen	11.564	10.310	29.774	51.648
Los Angeles				
Madera	29.669			29.669
Marin	3.555	28.123		31.678
Mariposa		13.407	38.954	52.361
Mendocino		18.650	102.732	121.382
Merced	52.701			52.701
Modoc	1.130		40.232	41.362
Mono				
Monterey	80.049	21.353		101.402
Napa		17.938		17.938
Nevada			75.538	75.538
Orange				
Placer	22.982	42.584	34.106	99.672
Plumas		18.420	44.932	63.352
Riverside				
Sacramento	79.616	8.473		88.089
San Benito	10.911	7.597		18.508
San Bernardino				
San Diego				
San Francisco		18.020		18.020
San Joaquin	89.552			89.552
San Luis Obispo				
San Mateo	40.385	10.964		51.349
Santa Barbara				
Santa Clara	79.782	17.080		96.862
Santa Cruz		7.670	6.740	14.410
Shasta	24.551	18.667	131.951	175.169
Sierra			18.977	18.977
Siskiyou	28.473	1.008	43.076	72.557
Solano	32.583	14.675		47.258
Sonoma	1.640	68.139	3.190	72.969
Stanislaus	40.443	12.829		53.272
Sutter	12.976			12.976
Tehama	56.235	34.500	41.323	132.058
Trinity			23.483	23.483
Tulare				
Tuolumne		22.559		22.559
Ventura				
Yolo	49.946			49.946
Yuba	14.632		11.090	25.722
Total	953.532	626.534	858.612	2,438.678

TABLE 12—Continued  
STATE HIGHWAY MILEAGE CLASSIFIED BY TOPOGRAPHY AS OF DECEMBER 31, 1938  
NORTHERN SECONDARY

County name	Easy	Rolling	Rugged	Total
Alameda	70.450	31.260		101.710
Alpine		19.300	46.260	65.560
Amador		51.748	53.095	104.843
Butte	51.677	17.900	11.900	81.477
Calaveras		66.124	57.469	123.593
Colusa	37.537		19.881	57.418
Contra Costa	58.287	34.363		92.650
Del Norte		11.100		11.100
El Dorado	13.101	60.945	91.738	165.784
Fresno	187.897	40.370	85.978	314.245
Glenn	49.758			49.758
Humboldt		40.144	113.710	153.854
Imperial				
Inyo				
Kern				
Kings	75.088	40.300		115.388
Lake		21.270	97.384	118.654
Lassen	25.990	95.608	29.750	151.348
Los Angeles				
Madera	45.602	10.200	37.409	93.211
Marin	2.370	43.368	12.870	58.608
Mariposa		23.360	37.730	61.090
Mendocino	2.400	87.920	58.260	148.580
Merced	131.735	8.123		139.858
Modoc	11.052	82.280		93.332
Mono				
Monterey	44.389	47.302	93.797	185.488
Napa	18.860	30.351	51.570	100.781
Nevada		19.916	41.089	61.005
Orange				
Placer	0.528	44.720	3.832	49.080
Plumas	15.700	47.804	35.473	98.977
Riverside				
Sacramento	93.563	6.920		100.483
San Benito	17.321	42.528	18.824	78.673
San Bernardino				
San Diego				
San Francisco		8.105		8.105
San Joaquin	104.397	22.058		126.455
San Luis Obispo				
San Mateo		48.162	69.230	117.392
Santa Barbara				
Santa Clara	27.390	19.700	49.870	96.960
Santa Cruz	10.370	72.475	45.260	128.105
Shasta	13.939	75.030	32.880	121.849
Sierra		17.646	52.869	70.515
Siskiyou	13.940	41.450	177.870	233.260
Solano	85.275	23.810		109.085
Sonoma	42.026	52.310	55.600	149.936
Stanislaus	65.418	32.700		98.188
Sutter	42.617			42.617
Tehama	20.800	20.700	38.768	80.268
Trinity			132.701	132.701
Tulare				
Tuolumne		11.612	131.367	142.979
Ventura				
Yolo	121.078	8.820	7.334	137.232
Yuba	24.550	7.753		32.303
Total	1,525.105	1,487.625	1,791.768	4,804.498

TABLE 12—Continued

STATE HIGHWAY MILEAGE CLASSIFIED BY TOPOGRAPHY AS OF DECEMBER 31, 1938  
SOUTHERN PRIMARY

County name	Easy	Rolling	Rugged	Total
Alameda.....				
Alpine.....				
Amador.....				
Butte.....				
Calaveras.....				
Colusa.....				
Contra Costa.....				
Del Norte.....				
El Dorado.....				
Fresno.....				
Glenn.....				
Humboldt.....				
Imperial.....	144.092		11.237	155.329
Inyo.....	116.856	13.437		130.293
Kern.....	128.969	39.082	10.405	178.456
Kings.....				
Lake.....				
Lassen.....				
Los Angeles.....	171.575	102.668	30.632	304.875
Madera.....				
Marin.....				
Mariposa.....				
Mendocino.....				
Merced.....				
Modoc.....				
Mono.....		62.506	43.743	106.249
Monterey.....				
Napa.....				
Nevada.....				
Orange.....	51.148	33.541		84.689
Placer.....				
Plumas.....				
Riverside.....	147.416	43.562		190.978
Sacramento.....				
San Benito.....				
San Bernardino.....	347.228	82.409	14.556	444.193
San Diego.....		86.446	53.588	140.034
San Francisco.....				
San Joaquin.....				
San Luis Obispo.....		71.709		71.709
San Mateo.....				
Santa Barbara.....		80.311	12.081	92.392
Santa Clara.....				
Santa Cruz.....				
Shasta.....				
Sierra.....				
Siskiyou.....				
Solano.....				
Sonoma.....				
Stanislaus.....				
Sutter.....				
Tehama.....				
Trinity.....				
Tulare.....	81.837		14.170	96.007
Tuolumne.....				
Ventura.....	27.732	29.805	7.145	64.689
Yolo.....				
Yuba.....				
Total.....	1,216.860	645.476	197.557	2,059.893

TABLE 12—Continued  
STATE HIGHWAY MILEAGE CLASSIFIED BY TOPOGRAPHY AS OF DECEMBER 31, 1938  
SOUTHERN SECONDARY

County name	Easy	Rolling	Rugged	Total
Alameda.....				
Alpine.....				
Amador.....				
Butte.....				
Calaveras.....				
Colusa.....				
Contra Costa.....				
Del Norte.....				
El Dorado.....				
Fresno.....				
Glenn.....				
Humboldt.....				
Imperial.....	174.736			174.736
Inyo.....	127.124	65.995	68.850	261.969
Kern.....	348.750	94.464	156.301	599.515
Kings.....				
Lake.....				
Lassen.....				
Los Angeles.....	317.610	181.378	67.728	566.716
Madera.....				
Marin.....				
Mariposa.....				
Mendocino.....				
Merced.....				
Modoc.....				
Mono.....	33.300	90.152	45.886	169.338
Monterey.....				
Napa.....				
Nevada.....				
Orange.....	140.545	39.894	17.140	197.579
Placer.....				
Plumas.....				
Riverside.....	155.674	202.244	78.820	436.738
Sacramento.....				
San Benito.....				
San Bernardino.....	254.049	70.180	199.041	523.270
San Diego.....	12.870	239.251	129.961	382.082
San Francisco.....				
San Joaquin.....				
San Luis Obispo.....	25.550	194.326	83.336	303.212
San Mateo.....				
Santa Barbara.....	46.764	95.683	95.693	238.140
Santa Clara.....				
Santa Cruz.....				
Shasta.....				
Sierra.....				
Siskiyou.....				
Solano.....				
Sonoma.....				
Stanislaus.....				
Sutter.....				
Tehama.....				
Trinity.....				
Tulare.....	241.173	8.500	36.900	286.573
Tuolumne.....				
Ventura.....	45.571	104.793	63.591	213.955
Yolo.....				
Yuba.....				
Total.....	1,923.716	1,386.860	1,043.247	4,353.823



CALIFORNIA  
STATE HIGHWAY SECTIONS  
CLASSED BY TOPOGRAPHY

- LEGEND
- EASY
  - ROLLING
  - RUGGED

NOTE  
This classification is based primarily on the  
topography of the route in general, but in  
the highway itself. Thus a section of a highway  
may be rugged in a general mountainous  
region but smooth in a section of the  
highway itself.

PRIMARY					SECONDARY					Grand
County	City	Pop.	Pop.	Total	County	City	Pop.	Total	Total	
Alameda	153	87	859	2439	523	46	1192	4204	12443	
San Jose	21	645	97	2159	924	367	1043	4354	6453	
Total	211	732	1056	4498	1447	2874	2835	3158	18896	
									266	
									13,924	

*Question 15. Submit some average year's proposal for the budget by the Department of Public Works to the Highway Commission and the action taken by the Commission.*

In considering this request it was found impractical to submit actual working data because, due to many revisions, the volume of documents involved would reach such proportions that it would be difficult, if not impossible, to reach a conclusion by a study of them.

We therefore submit the results of a study of the budget for the Ninety-third and Ninety-fourth Fiscal Years (July 1, 1941, to June 30, 1943), it being the last complete two-year period available.

The procedure used in making this budget is the same that has been followed for many years.

Early in 1940 each of the eleven districts submitted to the State Highway Engineer a list of what they considered their most important projects, listed in order of their importance, the number of projects in each list being made purposely large so as to allow some flexibility in bringing the total cost to what could be reasonably financed.

After thorough study and consideration by the several department heads in Sacramento, the District Engineer of each district was then called to Sacramento for conference with the State Highway Engineer and his department heads. The district lists were arranged as to priority and reduced to approximately the amount of the estimated revenues available for construction.

The next step was the submission of these preliminary recommendations to the California Highway Commission for their review and adoption of a budget. In this last step it became necessary to adjust the total allocation amount with the amount of revenues available. The meetings of the Commission and the engineers extended over several months before the final budget was approved.

The only change involving any considerable amount, made by the Commission, was the transfer from the engineer's budget of an item of \$386,700 set up for convict work in Trinity County to a project for convict work in Lake County.

As an aid toward clarifying the normal procedure and practice followed in presenting the biennial budget for the consideration of the Highway Commission, we are attaching a copy of the recommendations of the Division of Highways for the budget covering the Ninety-seventh and Ninety-eighth Fiscal Years.

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

RECOMMENDED DISTRIBUTION OF NINETY-SEVENTH-NINETY-  
EIGHTH FISCAL YEARS—STATE HIGHWAY FUND

*Estimated Revenues*

1. Gas Tax .....	\$56,500,000
2. Motor Vehicle Fees .....	8,450,000
3. Use Fuel Tax (Diesel) .....	3,000,000
4. Caravan Fees .....	50,000
Total .....	\$68,000,000

*Allocation*

1. Administration .....	\$3,997,762
2. Traffic Engineering and Special Investigations .....	352,238
3. Maintenance .....	19,470,000
General Maintenance .....	\$19,420,000
Carquinez and Antioch Bridges .....	50,000
4. Highway Planning Survey .....	200,000
5. New Equipment .....	417,500
6. Major City Streets— $\frac{1}{4}\%$ Gas Tax Allocation .....	7,062,500
*7. All Other Functions (Reconditioning, Resurfacing, Construction, Engineering, Right of Way, Joint Highway Districts, City $\frac{1}{4}\%$ for State Highways, Contingency and Reserve) .....	36,500,000
Total .....	\$68,000,000

RECOMMENDED DISTRIBUTION OF NINETY-SEVENTH-NINETY-  
EIGHTH FISCAL YEARS—STATE HIGHWAY FUND

*\*Allocation of (7) All Other Functions*

1. Primary North—54.24% of 50% .....	\$9,898,800
2. Primary South—45.76% of 50% .....	8,351,200
Total Primary .....	\$18,250,000
3. Secondary North—50% of 50% .....	9,125,000
4. Secondary South—50% of 50% .....	9,125,000
Total Secondary .....	\$18,250,000
Grand Total .....	\$36,500,000
1. Primary North .....	9,898,800
3. Secondary North .....	9,125,000
Total North .....	\$19,023,800
2. Primary South .....	8,351,200
4. Secondary South .....	9,125,000
Total South .....	\$17,476,200
Grand Total .....	\$36,500,000

## DETAIL OF ALLOCATION (7) ALL OTHER FUNCTIONS

	Total
1. Engineering—Preliminary and Construction-----	\$1,000,000
2. Right of Way-----	2,000,000
3. Joint Highway Districts-----	0
4. City $\frac{1}{4}$ ¢—State Highways-----	7,062,500
5. Reconditioning, Reconstruction, and Construction of Highways and Structures-----	10,864,000
6. Contingency and Reserve-----	15,573,500
Total -----	\$36,500,000

*Detail of Item 5*

a. Highways; Reconditioning and Resurfacing-----	\$7,000,000
b. San Francisco-Oakland Bay Bridge; Operation, Maintenance, Painting, and Insurance-----	2,000,000
c. Bridges; Reconditioning and Reconstruction-----	1,000,000
d. Highway Construction with Convict Labor-----	864,000
Total -----	\$10,864,000

NINETY-SEVENTH-NINETY-EIGHTH FISCAL YEARS  
DETAIL OF ALLOCATION (7) ALL OTHER FUNCTIONS

	North		South		Total
	Primary	Secondary	Primary	Secondary	
1. Engineering preliminary and construction .....	\$323,600	\$164,500	\$324,100	\$187,800	\$1,000,000
2. Right of way.....	571,800	178,600	943,200	306,400	2,000,000
3. Joint highway districts.....					
4. City $\frac{1}{4}$ ¢—State highways.....	1,524,100	1,406,800	1,446,100	2,685,500	7,062,500
5. Reconditioning, reconstruction, and construction of highways and structures.....	5,454,000	3,181,000	1,005,000	1,224,000	10,864,000
6. Contingency and reserve.....	3,824,931	2,394,469	4,284,178	9,999,822	15,573,500
Totals.....	\$11,698,431	\$7,325,369	\$8,002,578	\$9,473,622	\$36,500,000
	\$19,023,800		\$17,478,200		
DETAIL OF ITEM 5					
a. Highways; reconditioning and resurfacing.....	\$3,252,000	\$2,233,000	\$1,007,000	\$1,224,000	\$7,000,000
b. San Francisco-Oakland Bay Bridge; operation, maintenance, painting and insurance.....	2,000,000				2,000,000
c. Bridges; reconditioning and reconstruction.....	202,000	612,000	108,000	78,000	1,000,000
d. Highway construction with convict labor.....		336,000		528,000	864,000
Totals.....	\$5,454,000	\$3,181,000	\$1,005,000	\$1,224,000	\$10,864,000

*Question 16. What is the number of miles of declared freeways?*

There have been 413.93 miles of State highways declared as freeways. The locations of the several sections are shown in Table 13 on pages 50-51.



TABLE 13  
 FREEWAYS ESTABLISHED BY DECLARATION OF THE CALIFORNIA HIGHWAY  
 COMMISSION, OCTOBER 10, 1944

Road	Location	Declara- tion date	Length, Miles			
			Pri. No.	Sec. No.	Pri. So.	Sec. So.
II-Sha-3-A.....	Tehama-Shasta Co. Line to Clear Creek	7/20/44	11.6			
II-Teh-3-C.....	6 Mi. N. of Red Bluff to Tehama-Shasta Co. Line	7/20/44	7.1			
II-Sis-3-A.....	0.4 Mi. N. of Mt. Shasta City to Weed	7/20/44	8.2			
III-Sac-3-B.....	10th St. Br. over American R. to 1/3 Mi. E. of Ben Ali	10/25/40	4.1			
III-Pla-17,37-B,Aub,A.....	0.1 Mi. W. of Auburn to 1 Mi. N.E. of Auburn	4/20/44	2.7			
III-Pla-17 Aub,C	Rte. 37 near East St. in Auburn to Rook Creek	9/21/44	3.7			
IV-Ala-59,200-Oak,Env,Ber	E. Approaches to San Francisco-Oakland Bay Bridge	9/29/39	6.7			
IV-Ala-69-Oak.....	S. F.-O. Bay Bridge Approach at 7th & Cypress St. to 50th Ave.	9/29/39 12/30/39		5.7		
IV-Ala,C,C-69-Env,Ber,Alb, Reh, ECr.....	S. F.-O. Bay Bridge Approach to Rte. 14 in El Cerrito	9/29/39		5.6		
IV-Mrn-1-SH.....	Through the City of San Rafael	10/28/39	2.0			
IV-S.M.-68-SSF,B,Burl,S.M.....	So. San Francisco Underpass to So. City Limits of San Mateo	3/28/41	8.8			
IV-S.F.,S.M.-68-SF,E,SSF.....	Third St. in S.F. to Southerly Entrance S. of S.F. Underpass	7/25/41	5.8			
IV-SM-68-C,Bmt,RwC,D.....	So. City Limits of San Mateo to Santa Clara Co. Line	7/25/41	13.0			
IV-Ala-69-C,Oak.....	1000' S. of Davis St. near San Leandro to 50th Ave., Oakland	7/25/41		4.0		
IV-SCI-2-Sia,E.....	Santa Clara St. in San Jose to South of Ford Road	3/20/42	8.0			
IV-Ala-69-D,C.....	Hard Rd. near Alvarado to 1800' S. of Davis St., San Leandro	11/18/43		12.0		
IV-Mrn,Son-1-A,C.....	Rte. 8 at Ignacio Wye to 1 Mi. So. of Petaluma	4/20/44	11.5			
IV-S.F.-68-S.F.....	Rte. 2 (Alemany Blvd.) to Third St.	5/18/44	1.5			
IV-SCI-68 A,B,SJa,Sunv.....	San Mateo Co. Line to Santa Clara St. in San Jose	5/18/44	10.75			
IV-C.C.-14-ECr,Rch.....	Jct. Rtes 69 and 14 to Nor. City Limits of Richmond	6/13/44	1.84			
IV-Son-1-E,SRo.....	1.8 Mi. N. to 0.6 Mi. So. of Santa Rosa	7/20/44	4.1			
IV-SCR-56-E,SCR.....	Rob Roy Jct. to Route 5 near Nor. City Limits of Santa Cruz	8/17/44		8.3		
V-SB-2-S,B,P.....	Bath St. in Santa Barbara to Hollister Ave. east of Cienfuegos Road	9/27/40			4.4	
V-SB-2-SB.....	Castillo St. to Park Place	7/25/41			2.1	
V-SB-2-J.....	Sheffield Drive to Olive Mill Road	5/18/44			1.6	
V-SB-2-G.....	Near Las Varas Creek to near El Capitan Creek	6/13/44			2.95	
V-SLO-2-E,SLO.....	Miles Station to intersection Higuera & Marsh Sts. in S.L.O.	6/13/44			6.6	
V-SB-2-D.....	Sta. 250, So. of Santa Ynez R. to Sta. 441 at Jonata Park	7/20/44			3.7	
V-SLO-2-D.....	Near San Luis Obispo to foot of Cuesta Grade	8/17/44			2.5	
VI-Fre-4-B,Fre.....	So. End Calwa Underpass to Cherry Ave.	3/20/42	2.75			
VI-Tul,Fre-4-E,D,Kngb,A.....	About 400' So. of Mendocino Ave. to 1/4 Sec. Line at Grant Canal	3/16/44	1.48		0.27	
VI-Fre-4-E.....	Lerdo Hwy (Shafter Rd) to Famous Underpass	7/20/44			6.6	
VI-Fre-4-A,SEL.....	Grant Canal near Kingsburg to 1800' S. in Selma	7/20/44	3.6			
VI-Fre-4-C.....	Clinton Ave. to Madera Co. Line (San Joaquin R.)	7/20/44	7.6			
VI-Fre-4-A,Fow,B.....	South Ave. near Fowler to S. End Calwa Underpass	7/20/44	6.7			
VII-LA-26-LA,D.....	Aliso St. to 700' W. of W. City Limits of Alhambra	9/29/39			5.2	
VII-LA-26-D,Alh,MonP,E.....	700' West of W. City Limits of Alhambra to Rosemead Blvd.	9/29/39			5.5	
VII-LA-205-LA,S,Pas,Pas.....	Figueras St. near Ave. 22 in L.A. to Glenarm St. in Pasadena	9/29/39			6.5	
VII-LA-174-B.....	Rosecrans Ave. to LA-Ora Co. Line	10/28/39			3.5	
VII-Ora-174-A.....	LA-Ora Co. Line to Euclid Ave.	10/28/39			4.7	
VII-Ora-174,2-A,S,A,D.....	So. Bdry Anaheim to W. Line Main St. in Santa Ana	10/28/39		1.75	3.0	
VII-LA-77-B,Pom.....	Holt Ave. to San Bernardino Co. Line	1/26/40			3.8	
VII-LA-26-B,W,Cov,C.....	Gilman Rd. to Bellevue Ave.	3/1/40			12.1	
VII-LA-184-A.....	Newport Ave. (Rte 43) to Rte 60 in Corona Del Mar	5/24/40			6.6	
VII-LA-4-Brb.....	At Burbank Underpass	5/24/40		0.5		
VII-LA-166-A.....	Kern Ave. to Lakewood Blvd	6/28/40			5.0	
VII-LA-165-LA.....	Figueras Terrace to Ave. 22	10/25/40			2.0	
VII-LA-9-Am.....	W. Line Vernon Ave. to E. Line Orange Ave. (Asusa Underpass)	11/27/40		0.25		
VII-Ora-174-A,Ana.....	Euclid Ave. to S. Bdry Anaheim at W. Vermont Ave.	12/19/40			1.7	
VII-Ora-60,166-F,LBch,A.....	At Los Alamitos Circle, Long Beach	5/26/41		0.15	0.15	
VII-LA-166-A.....	Vermont Ave. to Firestone Blvd. at Rosecrans St.	9/17/41			4.7	
VII-LA-2-LA,D.....	Vermont Ave. to Downey Rd.	10/31/41		8.1		
VII-LA-166-A.....	Rte. 2 at Downey Road to Kern Ave.	7/31/42			0.74	

TABLE 13—Continued  
 FREEWAYS ESTABLISHED BY DECLARATION OF THE CALIFORNIA HIGHWAY  
 COMMISSION, OCTOBER 10, 1944

Road	Location	Declara- tion date	Length, Miles			
			Pri No.	Sec. No.	Pri. So.	Sec. No.
VII LA-174 S.Mea . . . . .	20th St. to E. City Limits of Santa Monica. . . . .	7/31/42				1.2
VII LA 2 LA . . . . .	Whitley Terrace to Vinceland Ave . . . . .	5/25/43			3.0	
VII-Ora-2-SA,C. . . . .	Main St. in Santa Ana to First Street . . . . .	7/7/43			2.2	
VII LA 26 EMte B. . . . .	Rosemead Blvd. to Syracuse Ave . . . . .	9/14/43				4.6
VII LA 158 L.A.A. . . . .	N. Bdry Culver City to Ventura Blvd . . . . .	9/14/43				11.1
VII LA 165 LA . . . . .	Fifth St. to Adobe St. . . . .	12/16/43				1.5
VII LA 2 LA . . . . .	Vermont Ave. to Sunset Blvd . . . . .	1/20/44			1.7	
VII Ora 13 A . . . . .	Rte. 60 to Dyer Road. . . . .	7/20/44				7.2
VII LA 4 Bb. . . . .	Intersection Providence Ave. & Front St. to Jackson St. . . . .	7/20/44			1.8	
VIII Ra 19 A . . . . .	1 Mi. E. of Mira Loma Gr. Sep. to E. Line Canal St. . . . .	11/28/41			4.55	
VIII SBd 26 Rd. . . . .	Fern Ave. to East City Limits of Redlands. . . . .	11/28/41			2.5	
VIII-SBd-19-Ont.B. . . . .	Cypress Ave. to Sta. 40+90, East of Ontario. . . . .	4/20/44			2.6	
VIII-Riv-SBd-19-BA. . . . .	Sta. 40+90 E. of Ontario to 1 Mi. E. of Mira Loma Gr. Sep. . . . .	6/13/44			7.3	
VIII SBd 26 D.Ra. . . . .	Vineyard Ave. to E. City Limits of Colton . . . . .	6/13/44				14.3
VIII SBd-26-D.Col.E. . . . .	Sagehen Ave. to Warm Creek. . . . .	9/21/44				3.3
X.IV-Sol.Nap-7-F.G.A.H. . . . .	Carquinez Br. to Rte. 74, 1/4 Mi. N. of Cordelia. . . . .	1/24/41	12.7			
X-Sol-7-D . . . . .	E. City Limits of Vacaville to Solano Co. Rd. No. 132 (Midway). . . . .	2/27/42	6.0			
X-Sol-7-I. . . . .	Midway to 1.3 Mi. N. of Dixon. . . . .	3/16/44	5.8			
X-Sol-7-E LA . . . . .	1.3 Mi. N. of Dixon to Yolo Co. Lane near Davis. . . . .	3/16/44	6.4			
X S J 4 C . . . . .	0.2 Mi. S. of Calaveras R. to 0.3 Mi. S. of Central Cal. Traction N. ing at Lodi. . . . .	1/18/44		8.6		
X Mer 4 C . . . . .	Black Rascal Cr. Br. to 0.6 Mi. N.W. of Buhach Rd. . . . .	5/18/41		3.9		
X Sta-S J 4 BA . . . . .	1/4 Mi. So. Rte. 13 at Salida to West Ripon Rd. . . . .	5/18/44		3.3		
X-S-J-5-B. . . . .	0.1 Mi. S.W. Grant Lane Rd. to 0.5 Mi. N.E. San Joaquin R. . . . .	5/18/44		4.1		
XI-S.D-77-S.D.A. . . . .	"A" St. in San Diego to Miramar. . . . .	12/31/40				12.2
Totals . . . . .			102.35	35.60	67.42	120.59
			225.92		188.01	
Grand total . . . . .			413.93			

## APPENDIX "B"

**POSTWAR STATE HIGHWAY PROGRAM FOR CALIFORNIA—A STATE-  
MENT RELATIVE TO THE RECOMMENDATIONS OF THE  
CALIFORNIA MAJOR HIGHWAY DEVELOPMENT  
COMMITTEE, ISSUED JANUARY 11, 1945**

For the past year a study of postwar highway needs for California has been conducted by a State-wide committee known as the California Major Highway Development Committee, consisting of three representatives each from the following organizations:

The California State Chamber of Commerce  
The League of California Cities  
The State Supervisors' Association  
The Automobile Club of Southern California  
The California State Automobile Association

Following recent completion of this study, the committee made certain findings and recommendations which were referred to its principals for consideration and action. Boards of directors or other governing bodies of the five organizations participating in the work of the committee have now voted their endorsements or approval in principle of the program proposed by the committee, making possible issuance of this joint public statement at this time.

The recommendations of the California Major Highway Development Committee, in the main, are as follows:

1. That a system of limited access urban-rural highways be established in California.
2. That there be created a special fund to be known as the Limited Access Highway Fund for exclusive expenditure upon the Limited Access System and that there be added a special tax of 1¢ per gallon to present motor vehicle fuel taxes for deposit in the special Limited Access Highway Fund. That in addition to this revenue the State Department of Public Works be instructed to devote portions of Federal aid funds and regular State Highway Funds to the Limited Access System.
3. That expenditures from the Limited Access Highway Fund to be made in each county of the State in the ratio that its motor vehicle registration bears to the total motor vehicle registration of the State.
4. That the responsibility for the acquisition, construction, maintenance, and administration of the Limited Access System be vested in the State Department of Public Works.

This new system of modern highways would embrace some 2,700 miles of inter-State routes, consisting of two main north-south routes and five eastward laterals.

In addition to the Limited Access Highways, some 600 miles of metropolitan free-ways have been approved for the seven metropolitan districts of California, allocated as follows:

Fresno	17.55 miles
Los Angeles	282.54 miles
Sacramento	42.99 miles
San Diego	52.41 miles
San Francisco-Oakland	156.51 miles
San Jose	24.99 miles
Stockton	23.01 miles

These metropolitan districts are those defined by the Federal Government in the United States Census Report of 1940.

It is estimated that the proposed system will carry approximately 75 to 80 per cent of the total volume of traffic on all rural highways in California and a substantial amount of the total volume of city street traffic. Thus, the engineering safeguards against accidents which will be built into this system will provide added safety to the majority of the motorists of California and will give increased protection to all drivers who today must travel on highways which have a high accident frequency.

Those who have devoted the past year to the study of this subject agree that this program is sufficiently needed to justify the proposed increase in the Motor Vehicle Fuel Tax of 1¢ per gallon. If the program is desired, it must be financed, and the method proposed seems to be the fairest and soundest of all the various methods and plans studied.

California, now the third State in the Nation in point of population will undoubtedly continue to grow and the number of motor vehicles in this State will increase proportionately. Information submitted to the committee indicates that by 1955 we may reasonably expect five million motor vehicles to be registered in California. Consequently, unless steps are taken now to provide adequate traffic facilities to handle this increased volume of traffic, we will be faced with a complete breakdown of highway transportation facilities in California. If we are to meet California's

future traffic requirements, we must anticipate and prepare now for the development of a system of highways which will adequately handle this heavy concentration of traffic and which will serve both rural and metropolitan areas of the State.

This will require a new policy of alignment and design for major streets and highways in California, particularly in centers of population. In order that the great bulk of traffic using this relatively small mileage may move easily, safely and efficiently, it becomes necessary to plan for the construction of a modern system of urban-rural freeways and limited access highways. These highways may be described as the heavy traffic express arteries of the future. Their advantages assure constantly increasing use and, consequently, steadily increasing values to all highway users. Such highways, free of lateral interference and conflicting cross traffic, will provide the maximum in speedy, safe, and efficient highway travel. This is the modern highway design for those major streets and highways embraced within the system recommended by the committee.

Everyone who has had opportunity to study present and future traffic trends and highway demands in California has recognized the very great need for this type of highway development in this State. It is generally agreed that it is bound to come, sooner or later. If it is intelligently planned and arrangements made for its financing now, it will certainly cost less than if it is delayed until some future time when the very chaotic condition of traffic forces this type of improvement upon the people of this State.

Another factor which played an important part in the committee's considerations was the necessity of building additional safety engineering features into our highway system. Traffic accidents have long been recognized as among the most serious social problems in America. By building into a highway system adequate engineering safeguards, much can be done to eliminate the possibility of conflicts in traffic and consequent accident hazards.

This proposed program marks the development of a new highway era in California. A program which promises to restore this State to its rightful place among the leaders of the Nation in the development of a modern highway system. It promises also to provide a network of modern and urban highway facilities which will do much to solve the motoring problems of this State for many years to come.

In 1912, the year in which the building of the State Highway System was begun there were less than 75,000 vehicles in California. By the close of 1943, the number of automobiles and trucks had increased to 2,944,572. During that year total motor vehicle travel was in excess of 25 billion vehicle miles, and 75 per cent of this total street and highway traffic occurred on not to exceed 10 per cent of the streets and highways of the State, thus concentrating the major part of all traffic on certain main arterials and within well defined metropolitan districts. This has resulted in creating acute problems of traffic congestion and a general disrupting of land values and land use.

California, perhaps more than any other State in the Nation, is confronted with the problem of developing adequate street and highway facilities to meet the impact of future motor vehicle transportation needs.

Even before the war overtook us there had already developed a grave deficiency in our highway and street facilities as a result of the overall traffic these streets and highways were carrying, the character of the traffic, and the growing importance of highway transportation in our social and economic life.

Testimony by Mr. C. H. Purcell, Director of the Department of Public Works and Chairman of the California State Highway Commission, presented in Sacramento before the Senate Interim Committee on State Highway Revenues on October 4, 1944, showed that the California State Highway System has been steadily falling behind the demands of traffic for the past ten years. Moreover, that the war has made a bad situation considerably worse. Since Pearl Harbor, there has been a virtual moratorium on highway building. At the same time the enormous impact of war traffic has been causing substantial deterioration in highways and streets that were deficient before the advent of war.

In addition to the need for making up for pre-war defects and catching up on suspended construction and reduced maintenance, we are faced with the gigantic problem of creating a modern highway system that will serve the highway transportation of the future which, it is generally agreed, will greatly exceed in vehicle miles anything we have known heretofore. This building for the future must be done with due regard to efficiency and safety.

Thus with many of our main highways already obsolescent and with major streets within business districts of most cities already overcrowded with vehicular traffic, this situation will become increasingly serious when wartime motor vehicle restrictions are removed.

To determine in the public interest what, if anything, should be done in the post-war years toward correcting this condition, representatives of five organizations in California on March 16, 1944, undertook a study of the problem under the name of the California Major Highway Development Committee, which is composed of the following representatives:

*Chairman:* Harry A. Mitchell, Director, State Chamber of Commerce

*Secretary:* John M. Luther, State Chamber of Commerce



*Automobile Club of Southern California*

E. E. East, Chief Engineer  
J. Allen Davis, Chief Counsel  
Frank Forward, Advisory Board, San Diego

*California State Automobile Association*

Arthur H. Breed, Sr., Director  
H. J. Brunnier, Director  
E. S. Moore, Manager, Public Relations

*League of California Cities*

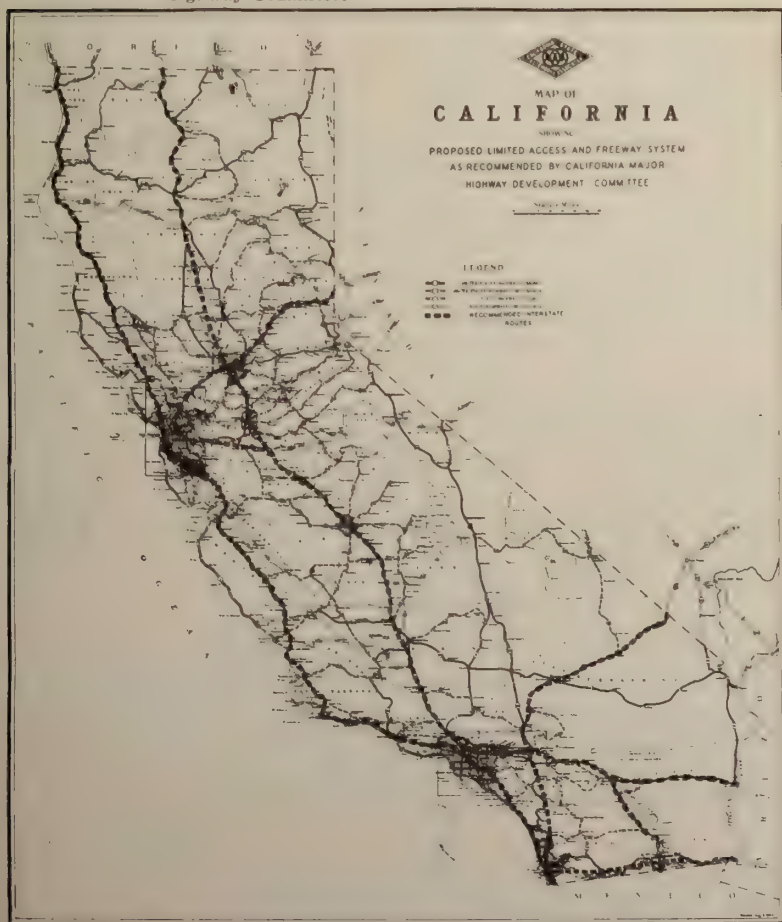
L. E. Arnold, Assistant City Engineer  
Richard Graves, Executive Secretary  
Charles Schwanenberg, City Manager

*State Supervisors Association*

Leo C. Hammett, Chairman, Board of Supervisors, Stanislaus County  
R. W. Lefever, Supervisor, Ventura County  
C. E. Steingul, Supervisor, San Joaquin County

*California State Chamber of Commerce*

Sidney M. Ehrman, Director  
Dr. E. J. Leach, Chairman, Central Coast, Transportation and Highway Committee  
Howard L. Way, Chairman, Southern California, Transportation and Highway Committee



## RECESS

At 11.40 a.m., on motion of Senator Seawell, the Senate recessed until 12 m.

## REASSEMBLED

At 12 m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 173

Senate Bill No. 174

Senate Bill No. 172

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 1083

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 563**—An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code and Section 141 of the Education Code, relating to the salaries of State officers.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1013

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 916

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

**Assembly Bill No. 916**—An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation:

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 366

Senate Bill No. 1044

Senate Bill No. 1188

Senate Bill No. 1287

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 898

Assembly Bill No. 332

Assembly Bill No. 677

Assembly Bill No. 939

Assembly Bill No. 1087

Assembly Bill No. 958

Assembly Bill No. 1114

Assembly Bill No. 1339

Assembly Bill No. 1714

Assembly Bill No. 1281

Assembly Bill No. 1280

Assembly Bill No. 1930

Assembly Bill No. 51

Assembly Bill No. 467

Assembly Bill No. 91

Assembly Bill No. 175

Assembly Bill No. 392

Assembly Bill No. 2204

Assembly Bill No. 1338

Assembly Bill No. 972

Assembly Bill No. 973

Assembly Bill No. 1753

Assembly Bill No. 1082

Assembly Bill No. 2183

Assembly Bill No. 1740

Assembly Bill No. 1629

Assembly Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1295**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein, and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 956

Assembly Bill No. 2069

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 119

Senate Bill No. 695

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

And appointed Messrs. Dickey, Beck, and Watson as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Keating, and Carter as a Senate Committee on Conference concerning Assembly Bill No. 1433 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1391

Assembly Bill No. 438

Assembly Bill No. 97

Assembly Bill No. 1047

Assembly Bill No. 1427

Assembly Bill No. 154

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## Call of the Senate

Senator Fletcher moved a call of the Senate.

Motion carried.

Time, 12.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 458**—An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 458?

**Amendment No. 1**

On page 1, line 7, of the printed bill, after "are", insert "five years old and are".

**Amendment No. 2**

On page 1, line 15, of said bill, after "are", insert "five years old and are".

**Amendment No. 3**

On page 1, line 23, of said bill, after "are", insert "five years old and are".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 458 by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Ward, and Weybret—24.

**NOES**—None.

Above bill ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.10 p.m., on motion of Senator Fletcher, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**Consideration of Assembly Amendments**

**Senate Bill No. 934**—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 934?

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, after "necessary", insert ", to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years."

**Amendment No. 2**

On page 1, line 5, of the printed bill, as amended, following "necessary", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 934 by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—25.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 855**—An act to amend Section 18023 of the Government Code, relating to office and working hours and the payment of overtime compensation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 855?

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended, strike out "one year of the date", and insert "six calendar months following the month in which the overtime was".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 855 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1055**—An act to add Section 254.5 to and to amend Section 255 of the Revenue and Taxation Code, relating to exemptions from taxation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1055?

**Amendment No. 1**

On page 2, line 2, of the printed bill, strike out "matter", and insert "matters".

**Amendment No. 2**

On page 2, line 6, of the printed bill, after "owner", insert "or".

**Amendment No. 3**

On page 2, lines 13 and 14, of the printed bill, strike out ", on or before June 1st,".

**Amendment No. 4**

On page 2 of the printed bill, strike out lines 15 to 21, inclusive, and insert "said finding shall be considered by the assessor in his determination with respect to the claim for exemption."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1055 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 953**—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200).

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 953?

**Amendment No. 1**

On page 1, line 19, of the printed bill, as amended, strike out "If".

**Amendment No. 2**

On page 1, line 20, of said bill, strike out "remains", and insert "remaining".

**Amendment No. 3**

On page 1, lines 21 and 22, of said bill, strike out "which is unclaimed by any heir", and insert "shall be distributed to the heirs".

**Amendment No. 4**

On page 1, line 23, of said bill, between "Code" and "such", insert ". If five years after the public administrator has mailed notice to any known heirs of the decedent at their last places of residence, if known, or if not, addressed to them at the county seat of the county for which the public administrator is acting, of any balance of such money remaining in the hands of the public administrator, there is any balance of such money remaining in the hands of the public administrator,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 953 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1246**—An act to amend Sections 4271 and 4277 of the Political Code, relating to compensation for public service.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1246?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 4271 and".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 2 of said bill, between lines 2 and 3, insert

"SECTION 1. Section 4271 of the Political Code is amended to read:

4271. In counties of the forty-second class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, one thousand eight hundred dollars (\$1,800) per annum.
2. The district attorney, [one thousand eight hundred dollars (\$1,800)] *two thousand four hundred dollars (\$2,400)* per annum.
3. Each member of the board of supervisors, one thousand five hundred dollars (\$1,500) per annum and twenty cents (\$0.20) per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars (\$300) in any one year.

In the superior court, jurors' fees in criminal cases shall be allowed as follows:

For attending as a grand juror, for each day's attendance, three dollars (\$3), and fifteen cents (\$0.15) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars (\$3), and fifteen cents (\$0.15) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same."

#### Amendment No. 3

On page 2, line 3, of said bill, strike out "Section 1", and insert "SEC. 2".

#### Amendment No. 4

On page 2, line 49, of said bill, strike out "Section", and insert "Sections 4271 and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1246 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Huise, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 85**—An act to amend Section 4750 and to add Sections 4751, 4752, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 85?

#### Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 9 to 13, inclusive.

#### Amendment No. 2

On page 2 of said bill, strike out lines 27 to 30, inclusive.

#### Amendment No. 3

On page 2, line 31, of said bill, strike out "from the fund".

#### Amendment No. 4

On page 2, line 32, of said bill, after "Controller", insert "upon claim filed by the Department of Industrial Relations".

#### Amendment No. 5

On page 2, line 33, of said bill, strike out "on the fund".

**Amendment No. 6**

On page 2, line 37, of said bill, after "appropriated", insert "to the Department of Industrial Relations".

**Amendment No. 7**

On page 2, lines 37 and 38, of said bill, strike out "to the subsequent injuries fund".

**Amendment No. 8**

In line 1 of the title of said bill, strike out "4752".

**Amendment No. 9**

On page 2, line 14, of said bill, strike out the first "4", and insert "3".

**Amendment No. 10**

On page 2, line 25, of said bill, strike out the first "5", and insert "4".

**Amendment No. 11**

On page 2, line 36, of said bill, strike out "6", and insert "5".

**Amendment No. 12**

On page 2, line 39, of said bill, after "pay", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 85 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 54**—An act to add Sections 20393 and 20464 to the Government Code, relating to the State Employees' Retirement System, and providing for the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 54?

**Amendment No. 1**

On page 1, line 1, of the title of the printed bill, as amended May 30, 1945, change "Section" to "Sections"; and after "Sections", insert "20393 and".

**Amendment No. 2**

On page 1, line 2, of said bill, after "Section", strike out "20464", and insert "20393".

**Amendment No. 3**

On page 1 of said bill, following line 3, insert

"20393. Any other provision in this part to the contrary notwithstanding, if the State service of a member is discontinued by reason of resignation or discharge, and the amount of his accumulated contributions standing to his credit at that time exceeds five hundred dollars (\$500), he shall have the right to elect within 90 days thereafter and without right of revocation, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement, but he is not subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age or disability, he shall receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the State contributions held for him and calculated in the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, the death benefit payable shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of State service prior to such termination not to exceed six.

**SEC. 2.** Section 20464 is added to the Government Code, to read:—



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 54 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 521**—An act to amend Section 4041.29 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 521?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended April 23, 1945, strike out "SECTIONS 4041.18 AND", and insert "Section".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 28, both inclusive.

##### Amendment No. 3

On page 2 of said bill, strike out lines 1 to 51, both inclusive.

##### Amendment No. 4

On page 3 of said bill, strike out lines 1 to 8, both inclusive.

##### Amendment No. 5

On page 3, line 9, of said bill, strike out "Sec. 2.", and insert "SECTION 1."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 521 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 154**—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 154?

##### Amendment No. 1

On page 1, line 16, of the printed bill, as amended, following "it", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 154 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 414**—An act making an appropriation for the purpose of enforcing the provisions of the Alien Land Laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 414?

**Amendment No. 1**

On page 1, line 12, of the printed bill, following "it", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 414 by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 850**—An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 850?

**Amendment No. 1**

In line 2 of the title of the printed bill, after "destruction", insert ", and making an appropriation".

**Amendment No. 2**

On page 1 of said bill, strike out lines 6 to 9, inclusive, and insert "United States. SEC. 2. There is hereby appropriated out of the Fish and Game Preservation Fund the sum of one hundred fifty thousand dollars (\$150,000), in addition to, and in augmentation of, Item 196 in the Budget Act of 1945, to enable the commission to carry out the provisions of this act."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 850 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**MOTION TO CONTINUE THROUGH THE DAILY FILE**

Senator Mayo moved that when the Senate considers the Assembly third reading file, that they continue through the file without referring back.

Motion carried.

**Consideration of Assembly Amendments**

**Senate Bill No. 610**—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 610?

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended, following "Finance", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 610 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 660**—An act to add Section 126 to the Government Code, relating to the acquisition of land in this State by the United States and the consent of the Legislature to such acquisition upon the conditions and subject to the reservations in this act prescribed.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 660?

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out "solely".

**Amendment No. 2**

On page 1, line 14, of said bill, after "reservations", insert ", in addition to any other conditions or reservations prescribed by law".

**Amendment No. 3**

On page 2 of the printed bill, as amended, after line 20, insert

"The provisions of this section shall not apply to any land or water area: heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 275 to 380, inclusive, of the Fish and Game Code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 660 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 944**—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 944?

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, after "(32,500)", insert "to be expended during the Ninety-seventh and Ninety-eighth Fiscal Year".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 944 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, DeLap, Dilworth, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1020**—An act relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for two State cerebral palsy schools and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1020?

**Amendment No. 1**

In line 6 of the title of the printed bill, as amended, strike out "A", and insert "two".

**Amendment No. 2**

In line 6 of the title of said bill, strike out "SCHOOL", and insert "schools".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "a site", and insert "sites".

**Amendment No. 4**

On page 1, line 13, of said bill, strike out "a", and insert "two".

**Amendment No. 5**

On page 1, line 13, of said bill, strike out "school", and insert "schools".

**Amendment No. 6**

On page 1, line 16, of said bill, after "California", insert "in connection with the cerebral palsy school to be established in Northern California and in conjunction with a cerebral palsy diagnostic and treatment center to be operated by the governing board of a public or private medical school of a university or hospital in Southern California under a contract with the State Board of Education".

**Amendment No. 7**

On page 1, line 19, of said bill, after "palsy", insert "in Northern California".

**Amendment No. 8**

On page 1 of said bill, following line 23, insert  
"SEC. 3. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy in Southern California, set forth in this act shall be under the jurisdiction of the State Board of Education."

**Amendment No. 9**

On page 1, line 14, of the printed bill, as amended, strike out "Board", and insert "Department".

**Amendment No. 10**

On page 1, line 4, of said bill, after "expended", insert "during the Ninety-seventh and Ninety-eighth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1020 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuehl, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1296**—An act making an appropriation for the support of the State Water Resources Board.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1296?

**Amendment No. 1**

On page 1, line 5, of the printed bill, strike out "and for expenditure at any time,".



The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1296 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1197**—An act to provide for the reorganization of the Department of Motor Vehicles and the Department of Public Works by transferring the California Highway Patrol to the latter and to amend Sections 776 and 777 and to add Sections 95, 96, 97 and 98 of the Vehicle Code, relating to such reorganization.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1197?

#### Amendment No. 1

On page 3 of the printed bill, as amended, between lines 16 and 17, insert "Section 11006 of the Government Code shall not apply to the Motor Vehicle License Fee Fund".

#### Amendment No. 2

On page 5, line 3, of said bill, strike out "788", and insert "778".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1197 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June, 16, 1945

**MR. PRESIDENT:** The Committee on Conference concerning:

**Senate Bill No. 1295**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on June 12, 1945, be further amended as follows:

#### Amendment No. 1

On page 2, line 14, of the printed bill, as amended, after "thereof", insert a comma.

#### Amendment No. 2

On page 2, line 15, of said bill, after "only", strike out the comma.

#### Amendment No. 3

On page 2, lines 39 and 40, of said bill, strike out "purchase and use, and sales record", and insert "purchase and use and sales records".

**Amendment No. 4**

On page 5, line 19, of said bill, after "Code", strike out the comma.

**Amendment No. 5**

On page 6, line 3, of said bill, strike out "derivates", and insert "derivatives".

DONNELLY

JUDAH

HATFIELD

Senate Committee on Conference

KRAFT

DEBS

ROBERTSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 1, 1945, be further amended as follows:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert "legislative session or before or after his appointment to a legislative committee), or a principal witness,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 16, 17 and 18; and on page 2 strike out lines 1 and 2, and insert "five (35) days) or that a legislative interim committee of which he is a duly appointed member is meeting, or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legisla-".

**Amendment No. 3**

On page 2 of said bill, strike out lines 9 to 26, inclusive, and insert "given if possible to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of such period necessary following adjournment or recess of the committee meeting as the court finds is reasonably necessary to enable the member to reach the place of trial or hearing by the ordinary mode of travel from the place of the committee meeting, unless at the expiration of that period the Legislature is to be in session; and in that case the action or proceeding shall not, without such consent, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than thirty-five (35) days. If a date is available during the recess, continuance shall be given to such earlier date."

**Amendment No. 4**

On page 3 of said bill, strike out lines 14 to 18, inclusive, and insert "not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel,".

**Amendment No. 5**

On page 3 of said bill, strike out lines 24 to 37, inclusive, and insert "recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably

necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than thirty-five (35) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date."

#### Amendment No. 6

On page 4 of said bill, strike out lines 4, 5 and 6, and insert "lature is in session or that a legislative interim committee of which he is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to".

SWING

RICH

SALSMAN

Senate Committee on Conference

FOURT

WATERS

KING

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Ward, and Weybret—29.

NOES—None.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1433**—An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 16, 1945, be further amended as follows:

#### Amendment No. 1

On page 2, line 29, of the printed bill, as amended, strike out "and".

#### Amendment No. 2

On page 2, line 31, of said bill, strike out "and", and insert a comma.

DELAP

KEATING

CARTER

Senate Committee on Conference.

DICKEY

WATSON

BECK

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

#### Consideration of Assembly Amendments

**Senate Bill No. 378**—An act to add Section 1348 to the Fish and Game Code, relating to tule elk.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 378?

#### Amendment No. 1

On page 1, line 5, of the printed bill, strike out "six", and insert "15".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 378 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.  
 NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 995**—An act to repeal Section 5016.6 of the Business and Professions Code, relating to the educational requirements for admission to the examination for a certified public accountant.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 995?

#### Amendment No. 1

On page 3, line 16, of the printed bill, as amended, after "governmental", insert "or private".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 995 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.  
 NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1302**—An act to repeal Part 9 of Division 3 of Title 2 of the Government Code, and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1302?

#### Amendment No. 1

On page 3 of the printed bill, as amended, between lines 48 and 49, insert "(b). The Lieutenant Governor;"

#### Amendment No. 2

On page 3, line 49, of said bill, strike out "(b)", and insert "(c)".

#### Amendment No. 3

On page 3, line 50, of said bill, strike out "(c)", and insert "(d)".



**Amendment No. 4**

On page 4, line 3, of said bill, strike out "(d)", and insert "(e)".

**Amendment No. 5**

On page 4, line 5, of said bill, strike out "(e)", and insert "(f)".

**Amendment No. 6**

On page 4, line 7, of said bill, strike out "(f)", and insert "(g)".

**Amendment No. 7**

On page 3, line 30, of the printed bill, as amended, strike out "during the"; and strike out lines 31 to 37, inclusive, and insert "any appropriation for support of the California Disaster Act to carry".

**Amendment No. 8**

On page 10 of said bill, following line 45, insert

"SEC. 39. The sum of one hundred seven thousand five hundred twenty-eight dollars (\$107,528) out of any money in the State Treasury not otherwise appropriated is hereby appropriated during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of the California Disaster Act."

**Amendment No. 9**

On page 5, line 28, of the printed bill, as amended, after "protection", insert ", war services".

**Amendment No. 10**

In line 1 of the title of the printed bill, as amended, strike out "Chapter 662 of the Statutes of 1929", and insert "Part 9 of Division 3 of Title 2 of the Government Code".

**Amendment No. 11**

On page 1, lines 3 and 4, of said bill, strike out "Chapter 662 of the Statutes of 1929", and insert "Part 9 of Division 3 of Title 2 of the Government Code".

**Amendment No. 12**

On page 2 of the printed bill, as amended, strike out lines 19 to 23, inclusive.

**Amendment No. 13**

On page 3 of said bill, between lines 2 and 3, insert a new paragraph reading

"The person holding the office of assistant to the Director of the California State War Council for law enforcement on June 30, 1945, is hereby transferred to the Department of Justice on the effective date of this act as an appointee of the Attorney General, and the provisions of Article XXIV of the Constitution and the term "State Civil Service" shall apply to and include such person."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1302 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 615?

**Amendment No. 1**

On page 2, line 27, of the printed bill, as amended, after "vegetables", insert "as an incident to the preparation of such fruits and vegetables".

**Amendment No. 2**

On page 2, line 30, of the printed bill, as amended, place semicolon after "canning", and after "freezing".

**Amendment No. 3**

On page 2, line 31, of the printed bill, as amended, after "vegetables", change the comma to a semicolon.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 615 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1111**—An act to amend Sections 23, 24, and 20 of the Unemployment Insurance Act, relating to funds in the State treasury.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1111?

#### Amendment No. 1

On page 3, line 19, of the printed bill, as amended, strike out "shall", and insert "may".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1111 by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 9**—An act to amend Sections 17053.5 and 19202 of, and to add Section 19203.5 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 9?

#### Amendment No. 1

Strike out lines 1 to 4, inclusive, of the title of the printed bill, as amended, and insert "An act to amend Sections 17053.5 and 19202 of, and to add Section 19203.5 to, the Rev-".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 11, inclusive; strike out pages 2 to 8, inclusive; and on page 9, strike out lines 1 to 27, inclusive, and insert

"SECTION 1. Section 17053.5 of the Revenue and Taxation Code is amended to read:

17053.5. (a) With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, in lieu of the tax imposed under Section 17052, as limited by Sections 19200 and [19201] 19201.5 of this code, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross

income for such year is less than five thousand dollars (\$5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

The tax shall be—

If the <i>adjusted</i> income is over—	But not over	Single person (not head of family)	Married person making separate return	* (1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
\$2,200	\$2,250	\$0	\$0	\$0
2,250	2,300	0	0	0
2,300	2,350	0	0	0
2,350	2,400	0	0	0
2,400	2,450	0	0 [ .30 ]	0
2,450	2,500	0	.77	0
2,500	2,550	0	1.24	0
2,550	2,600	0	1.71	0
2,600	2,650	0	2.18	0
2,650	2,700	0	2.65	0
2,700	2,750	0	3.12	0
2,750	2,800	0	3.59	0
2,800	2,850	0	4.06	0
2,850	2,900	0	4.53	0
2,900	2,950	0	5.00	0
2,950	3,000	0	5.47	0
3,000	3,050	0	5.94	0
3,050	3,100	0	6.41	0
3,100	3,150	0	6.88	0
3,150	3,200	0	7.35	0
3,200	3,250	0 [ .32 ]	7.82	0
3,250	3,300	.79	8.29	0
3,300	3,350	1.26	8.76	0
3,350	3,400	1.73	9.23	0
3,400	3,450	2.20	9.70	0
3,450	3,500	2.67	10.17	0
3,500	3,550	3.14	10.64	0
3,550	3,600	3.61	11.11	0
3,600	3,650	4.08	11.58	0
3,650	3,700	4.55	12.05	0
3,700	3,750	5.02	12.52	0
3,750	3,800	5.49	12.99	0
3,800	3,850	5.96	13.46	0
3,850	3,900	6.43	13.93	0
3,900	3,950	6.90	14.40	0
3,950	4,000	7.37	14.87	0
4,000	4,050	7.84	15.34	0
4,050	4,100	8.31	15.81	0
4,100	4,150	8.78	16.28	0
4,150	4,200	9.25	16.75	0
4,200	4,250	9.72	17.22	0
4,250	4,300	10.19	17.69	0
4,300	4,350	10.66	18.16	0
4,350	4,400	11.13	18.63	0
4,400	4,450	11.60	19.10	0
4,450	4,500	12.07	19.57	0
4,500	4,550	12.54	20.04	0
4,550	4,600	13.01	20.51	0
4,600	4,650	13.48	20.98	0
4,650	4,700	13.95	21.45	0
4,700	4,750	14.42	21.92	0
4,750	4,800	14.89	22.39	0
4,800	4,850	15.36	22.86	0 [ .36 ]
4,850	4,900	15.83	23.33	.83
4,900	4,950	16.30	23.80	1.30
4,950	4,999.99	16.77	24.27	1.77
[4,950	5,000	16.77	24.27	1.77
5,000	5,050	17.24	24.71	2.24]

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars (\$400) for each such dependent.

(b) For the purpose of this section

(1) "Married person" means a married person on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17952.

(3) An individual not a head of a family or a married person shall be treated as a single person.

(4) "Head of family" means a head of family on the last day of the taxable year, unless such person dies during the taxable year, in which case such determination shall be made as of the date of death.

(c) This section shall not apply to an estate or trust, an individual filing a return for a period of less than 12 months on account of a change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year [whose spouse files a return] and computes the tax without regard to this section.

SEC. 2. Section 19202 of said code is amended to read:

19202. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945] 1947, there shall be allowed as a credit against net income, in the case of an estate, an exemption of one thousand five hundred dollars (\$1,500) and, in the case of a trust, an exemption of one hundred dollars (\$100).

SEC. 3. Section 19203.5 is added to said code, to read:

19203.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year

(a) A net income of three thousand dollars (\$3,000) or over, if single;

(b) A net income of four thousand five hundred dollars (\$4,500) or over, if married; or

(c) A gross income of six thousand dollars (\$6,000) or over, regardless of the amount of net income."

#### Amendment No. 3

On page 9, line 28, of said bill, strike out "19", and insert "4".

#### Amendment No. 4

On page 9 of said bill, strike out lines 32 to 38, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 9 by the following vote:

AYES—Senators Biggar, Broed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 271**—An act to amend Sections 891, 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 271?

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "891".

#### Amendment No. 2

On page 1 of said bill, between the enacting clause and line 1, insert

"SECTION 1. Section 891 of the Military and Veterans Code is amended to read:  
891. A dependent child of a veteran applying for aid under the provisions of this article shall be over 16 and not more than 21 years of age and shall have lived in this State for five years immediately preceding the date upon which the application is filed. ~~Any dependent child of a veteran who has applied for aid pursuant to this article while under 21 years of age and has entered upon a course of training or education and received aid under this article and arrives at the age of 21 before completing the course may continue the course and continue to receive the benefits of this article until the course is completed or until he attains the age of 27 years, whichever first occurs.~~



*A dependent widow of a veteran applying for aid under the provisions of this article shall have lived in this State at least five years immediately preceding the date upon which the application is filed and any educational assistance received by such widow under this article shall be limited to not more than four years."*

#### Amendment No. 3

On page 1, line 1, of said bill, strike out "Section 1", and insert "SEC. 2".

#### Amendment No. 4

On page 1, line 10, of said bill, strike out "Sec. 2", and insert "SEC. 3".

#### Amendment No. 5

On page 1, line 21, of said bill, strike out "Sec. 3", and insert "SEC. 4".

#### Amendment No. 6

On page 2, line 7, of said bill, strike out "Sec. 4", and insert "SEC. 5".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 271 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Above bill ordered enrolled.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 391 and 601 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution; and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third times, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### Consideration of Assembly Amendments

**Senate Bill No. 453**—An act relating to salaries and compensation of State officers and State employees, and making an appropriation, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 453?

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to increase the statutory salary and the statutory", and insert "relating to salaries and".

#### Amendment No. 2

In line 3 of the title of said bill, after "appropriation", insert ", declaring the urgency thereof, to take effect immediately".

#### Amendment No. 3

On page 1, line 8, of said bill, strike out "as", and insert "is".

**Amendment No. 4**

On page 2, line 28, of said bill, strike out "as", and insert "is".

**Amendment No. 5**

On page 2 of said bill, between lines 37 and 38, insert

"SEC. 2. If, after July 1, 1945, the State Personnel Board increases the salary range of any officer or employee, the amount of increases of salary heretofore provided for by Item 276.6 of the Budget Act of 1945 and by an act entitled "An act providing salary and wage increases for State employees, declaring the urgency thereof, and providing that this act shall take effect immediately", passed at the Fifty-sixth Regular Session of the Legislature, shall be diminished by the amount of the increase in salary range made by the State Personnel Board."

**Amendment No. 6**

On page 2, line 38, of said bill, strike out "Sec. 2.", and insert "SEC. 3. Section 1 of".

**Amendment No. 7**

On page 2, line 42, of said bill, strike out "Sec. 3.", and insert "SEC. 4."

**Amendment No. 8**

On page 2, line 47, of said bill, after "provisions of", insert "Section 1 of".

**Amendment No. 9**

On page 2, line 48, of said bill, strike out "Sec. 4.", and insert "SEC. 5. Section 1 of".

**Amendment No. 10**

On page 2 of said bill, after line 50, insert

"SEC. 6. Section 2 of this act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Emergency salaries increases for State employees and officers have heretofore been made in order to render possible a standard of living for such employees in keeping with that of persons in similar positions in private industry.

In order that the increases made shall not be duplicated by wage adjustments based upon permanent changes in salary ranges made necessary by changing economic conditions and conditions of employment, it is necessary that this act take effect immediately."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 453 by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Above bill ordered enrolled.

**RECESS**

At 12.15 p.m., on motion of Senator Seawell, the Senate recessed until 12.30 p.m.

**REASSEMBLED**

At 12.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Biggar moved a call of the Senate.

Motion carried.

Time, 12.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Kraft, Brown and Debs as a Committee on Conference concerning:

**Senate Bill No. 1295**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to drugs and poisons, declaring the urgency hereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Dickey, Berry and Dunn as a Committee on Conference concerning:

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Miller, Leonard and Dills, Ralph C., as a Committee on Conference concerning:

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Sawallisch, Call and Massion as a Committee on Conference concerning:

**Senate Bill No. 1279**—An act to amend Section 21 of the Agriculture Code, Section 151 and 10055 of the Business and Professions Code, Section 10204 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, and Section 10 of the Public Utilities Act, relating to the Real Estate Commissioner.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Robertson, Burke, and Crichton, as a Committee on Conference concerning:

**Senate Bill No. 1182**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lowrey, Fletcher, and Burns, as a Committee on Conference concerning:

**Senate Bill No. 277**—An act to provide for the acquisition of a State Park in the County of Napa as part of the State park system, and making an appropriation.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Resolution No. 160—Relating to the creation of the Senate Committee on Fish and Game Problems.**

WHEREAS, It is important that all pertinent facts bearing upon the fish and game problems of California be found, assembled and analyzed to the end that the Senate may be able to act advisedly in the formulation of legislation to meet and solve those problems; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed for the information of the Legislature through a committee of the Senate charged with the study of every phase of the subject of fish and game; now, therefore, be it

*Resolved by the Senate of the State of California, as follows:*

1. The Senate Committee on Fish and Game Problems is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to every phase of the fish and game problems of this State including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, which sums shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

**Senate Resolution No. 138—As amended—Relating to the appointment of a Senate Committee on the Japanese Problem.**

WHEREAS, The presence in the State of California of Japanese aliens and citizens of Japanese descent before the present war caused numerous problems and their return during and after the termination of the war will cause other and perhaps greater problems; and

WHEREAS, In order to be able to act advisedly as to such matters the Senate requires such information as can most readily be ascertained by a committee of its members; now, therefore, be it



*Resolved by the Senate of the State of California, As follows:*

1. The Senate Committee on Japanese Problems is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the return of the Japanese people to this State after termination of the war, and all matters relating to evasions of the Alien Land Laws, to recommend amendments to those laws or additional laws to prevent such evasions, to consider any and all phases of the social, economic, political and National problems arising out of the present war between Japan and the United States of America, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee may make such representations and recommendations to the Federal Government as it may deem advisable, on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and such representations and recommendations shall be representations and recommendations of the committee, and not of the Legislature nor the Senate thereof.

3. The committee shall consist of five members of the Senate appointed by the Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.

NOES—None.

**Senate Resolution No. 151—As amended—Relative to the creation of the Senate Forestry Study Committee.**

WHEREAS, California's agriculture is primarily dependent upon an adequate supply of irrigation water from the mountainous forested and watershed areas; and

WHEREAS, Much of California's livestock industry is dependent upon the same lands for their range forage supply; and

WHEREAS, The management and protection of these mountainous lands and the resources of forest, range, and watershed are economically important to the industry as well as the agriculture of the State of California; and

WHEREAS, The same type of management is inapplicable to all lands due to the wide variation of cover types, soil stability and climatic conditions; and

WHEREAS, An investigation of the problem involved and a compilation of related facts are necessary to determine what legislative policy should be established for the protection and development of these resources; now, therefore, be it

*Resolved by the Senate of the State of California.* That the State of California has an interest in the above-mentioned resources for the purpose of developing and improving the productivity of the land for timber, forage and water supply, the retardation of water runoff, the reduction of soil erosion, and to this end a determination should be made to what extent and on what types of land and cover fire may be used as a tool in land management as well as of the most economical and efficient type of fire protection that should be given to the various types of forest resources; and be it further

*Resolved, That*

1. The Senate Forestry Study Committee is hereby created and appointed and is hereby vested with all the rights, power and duties of the committee created by Chapter 1086 of the Statutes of 1943 and directed to continue the work of that committee. In addition, it is hereby authorized and directed to ascertain, study and analyze all facts relating to the range and watershed problems of the State of California, and the prevention and suppression of forest fires therein including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution. The said committee is directed to report on its studies to the Senate, including in the reports its recommendations for appropriate legislation, particularly such as will aid the Department of Natural Resources and the Division of Forestry in effectuating the greatest economic returns from wildlife on a long-term basis.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Senate and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kenting, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.

**NOES**—None.

**Senate Resolution No. 162**—Relating to printing of prayers of Reverend Dr. Clarence A. Kircher.

**WHEREAS**, The Reverend Dr. Clarence A. Kircher, Chaplain of the Senate during the Fifty-Sixth Session, by his prayers each day has brought to this body valuable inspiration and has reminded the members of the obligation to their God and to their fellowman, to the State and to the Nation; and

**WHEREAS**, His intellectual attainments have compelled the admiration of all within his hearing and have won the personal regard of all the members; now, therefore, be it

*Resolved by the Senate of the State of California.* That the Secretary of the Senate be and he is hereby authorized and directed to have printed 250 booklets containing the prayers offered at this Session and that he send one of said booklets to each member of the Senate and the remaining booklets to the Reverend Dr. Clarence A. Kircher.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1994**—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, and providing for the forfeiture of such lands for failure to make such payments.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1799**—An act to add Section 19400 to the Government Code, relating to public officers and employees and to their reinstatement after military service, declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator Ward.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 29**—An act to amend Section 6301.5 of the Education Code, relating to school district budgets.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1855**—An act to amend Section 583 of the Code of Civil Procedure, relating to dismissal of actions.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 151**—An act to amend Section 714 of, and to add Section 717.1 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 741**—An act to add Article 4.5 to Chapter 7 of Division 9 to the Education Code, relating to the performance of services for school districts by county superintendents of schools.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.45 p.m., on motion of Senator Biggar, further proceedings under the call of the Senate were dispensed with.

**Assembly Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX of said Constiution, relating to education.

Resolution read, and presented by Senator Salsman.

#### Motion to Re-refer Assembly Constitutional Amendment No. 16

Senator Mayo moved that Assembly Constitutional Amendment No. 16 be re-referred to Committee on Education.



**Roll Call Demanded**

Senators Salsman, Quinn, and Carter demanded a roll call.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Burns, Dilworth, Gordon, Hulse, Judah, Mayo, Mixter, and Quinn—8.

**NOES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Kuchel, McBride, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

**Further Consideration of Assembly Constitutional Amendment No. 16****Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 50, of the printed bill, as amended, beginning with "Each appointment", strike out everything down to and including "lic Instruction.", at the beginning of line 22, page 3.

Amendment read.

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the adoption of amendment offered by Senator Rich.

Amendment adopted. Resolution ordered printed, and to third reading.

**Assembly Bill No. 2223**—An act to amend Section 4017 of the Political Code, relating to consolidation of county offices.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 412**—An act to amend Section 18901 of the Government Code, relating to eligible lists.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.

**NOES**—Senators Dilworth and McBride—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1002**—An act to amend Sections 11383, 11384, and 11410 of and to add Sections 11412, 11413, 11414, and 11415 to the Government Code, relating to the making, filing, compilation, codification, printing, and publication of the rules and regulations of State officers, boards, authorities, agencies, and commissions.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1547**—An act to amend Sections 1, 2, 5, 6, 6.5, 6.6, 16, 18, 19, 22a, 22b, 23, 23c, 23d, 26, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 60, 67.1, 67.5 of the Alcoholic Beverage Control Act relating to alcoholic beverages and to provide that this act shall go into effect immediately.

**Motion to Re-refer Assembly Bill No. 1547**

Senator Burns moved that Assembly Bill No. 1547 be re-referred to Committee on Governmental Efficiency.

Motion carried.

**Assembly Bill No. 2219**—An act to amend Section 1 of an act entitled, "An act granting to the City of Venice the tidelands and submerged lands of the State of California within the boundaries of the said city," approved April 10, 1917, relative to grant of tide and submerged lands to the City of Venice.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1822**—An act to amend Section 2845 of the Elections Code, relating to county central committees.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 711**—An act to add Section 5014.2 to the Public Resources Code, relating to the designation of the areas to which funds may be allocated.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1307**—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1999**—An act to amend Sections 8552, 8553, 8554, 8555, 8556 and 8557 of, and to add Section 8558 to the Public Resources Code, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, providing for the distribution of money deposited in the State Treasury in connection therewith, and making an appropriation therefor.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2212**—An act to add Section 545.5 to the Agricultural Code, relating to cheese.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 145**—An act to amend Section 46 of the County Employees Retirement Act of 1937, relating to employees.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 39**—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Section 1 of Article VI thereof and by adding Sections 4d and 4e to said article, relating to a Court of Tax Appeals.

Resolution read, and presented by Senator DeLap.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—Senator Gordon—1.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 71**—Relative to reports of the 1945 and 1946 annual conventions of the Military Order of the Purple Heart.

Resolution read, and presented by Senator Quinn.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Motion to Withdraw Senate Concurrent Resolution No. 51**

Senator Seawell moved that Senate Concurrent Resolution No. 51 be withdrawn from the Committee on Rules and placed on file.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Constitutional Amendment No. 37**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by re-wording the fourth proviso in the first sentence of Section 31 of Article IV thereof, relating to loans to veterans.

Resolution read, and presented by Senator Hatfield.

**Previous Question**

Senator Seawell moved the previous question.

Motion carried.

The question being on the adoption of Assembly Constitutional Amendment No. 37.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Hatfield moved a call of the Senate.

Motion carried. Time, 12.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1007**—An act to add Section 8827 to the Education Code, relating to the Public School System.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1483**—An act to add Article 8.5 to Chapter 2 of Division 6 of the Education Code, relating to the distribution of State printed textbooks.

Bill read third time, and presented by Senator Carter.

**Motion to Postpone Indefinitely**

Senator Breed moved that further consideration of Assembly Bill No. 1483 be postponed indefinitely.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.55 p.m., on motion of Senator Hatfield, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 37 adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—Senators Breed, DeLap, Dilworth, and Gordon—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 328**—An act to add Division 7, consisting of Sections 1450 to 1454, inclusive, to the Fish and Game Code, relating to the killing or injuring of a human being through the improper use of firearms while hunting, and prescribing punishments and penalties therefor.

Bill read third time, and presented by Senator Gordon.

**Motion to Re-refer Assembly Bill No. 328**

Senator Desmond moved that Assembly Bill No. 328 be re-referred to Committee on Judiciary.

Motion carried.

**Assembly Bill No. 697**—An act to amend Sections 20013, 20014, 20600, 20603, 20604, 20750, 20950, and 21256 of, and to add Sections 20017.5, 20602.5, 20602.6, 20803.5, 20980.5, 21020.5, and 21208 to the Government Code, relating to the State Employees Retirement System, in respect to the fish and game wardens and personnel.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

## RECESS

At 1 p.m., on motion of Senator Seawell, the Senate recessed until 1.10 p.m.

## REASSEMBLED

At 1.10 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 2209**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Concurrent Resolution No. 77**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Joint Resolution No. 55**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Concurrent Resolution No. 77**—Relative to appointing a joint legislative committee to extend official welcome to President Truman.

Referred to Committee on Rules.

**Assembly Joint Resolution No. 55**—Relative to investigation of conditions and making needed corrections at veterans' hospitals.

Referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 158  
Senate Bill No. 409

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Constitutional Amendment No. 17

Assembly Constitutional Amendment No. 28

Assembly Bill No. 578

Assembly Bill No. 1310

Assembly Bill No. 1472

Assembly Bill No. 166

Assembly Bill No. 595

Assembly Bill No. 839

Assembly Bill No. 1779

Assembly Bill No. 1787

Assembly Bill No. 2031

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1182**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2229

Assembly Bill No. 1794

Assembly Bill No. 1210

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 277**—An act to provide for the acquisition of a State Park in the County of Napa as part of the State park system, and making an appropriation.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2231

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

POWERS, Vice Chairman

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 2231**—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to the salary of the State Liquor Administrator.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 1, line 11, of the printed bill, strike out "ten thousand (\$10,000)", and insert "nine thousand (\$9,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

## REPORTS OF STANDING COMMITTEES

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:  
Assembly Bill No. 916

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolution was offered by Senator Salsman:

## Senate Resolution No. 165

Relative to the Senate Interim Committee on Prepayment of Medical and Hospital Care, its powers and duties, and supplementing Senate Resolution No. 131.

*Resolved by the Senate of the State of California.* That the Senate Interim Committee on Prepayment of Medical and Hospital Care, created by Senate Resolution No. 131, and any subcommittee thereof when thereunto authorized by the committee, may meet and act without as well as within the State of California, and is hereby authorized to leave the State of California in the performance of its duties.

Resolution read, and referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 456

Senate Bill No. 479

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 151

Assembly Bill No. 1822

Assembly Bill No. 1002

Assembly Bill No. 2089

Assembly Bill No. 412

Assembly Constitutional Amendment No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 365

Senate Bill No. 986

Senate Bill No. 523

Senate Bill No. 1176

Senate Bill No. 549

Senate Bill No. 1301

Senate Bill No. 838

Senate Bill No. 786

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.



**Call of the Senate**

Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1.15 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****WITHDRAWAL FROM COMMITTEE OF SENATE RESOLUTION NO. 165**

Senator Seawell moved that Senate Resolution No. 165 be withdrawn from Committee on Rules for purpose of consideration.

Motion carried.

**CONSIDERATION OF SENATE RESOLUTION NO. 165**

**Senate Resolution No. 165**—Relative to the Senate Interim Committee on Prepayment of Medical and Hospital Care, its powers and duties, and supplementing Senate Resolution No. 131.

*Resolved by the Senate of the State of California, That the Senate Interim Committee on Prepayment of Medical and Hospital Care, created by Senate Resolution No 131, and any subcommittee thereof when thereunto authorized by the Committee, may meet and act without as well as within the State of California, and is hereby authorized to leave the State of California in the performance of its duties.*

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—22.

**NOES**—Senator Dorsey—1.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 77

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

**REQUEST FOR UNANIMOUS CONSENT**

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 77, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 77**

**Assembly Concurrent Resolution No. 77**—Relative to appointing a joint legislative committee to extend official welcome to President Truman.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1365**—An act to add Section 1184 to the Fish and Game Code, relating to the training of hunting dogs and holding of field trials.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Kuchel, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.20 p.m., on motion of Senator Fletcher, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1366**—An act to add Section 1171.1 to the Fish and Game Code, relating to the training of hunting dogs on native game birds.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1142**—An act to provide for the construction of a road in Marin County and, including its incorporation into the State Highway System, and making an appropriation.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**MOTION TO CONSIDER BILLS OUT OF ORDER**

Senator Rich moved that the Assembly bills which were reported from the Finance Committee be taken up at the same time, and that Senator Mayo's motion be amended so that these bills can be considered at the same time.

Motion carried.

**MOTION TO CONSIDER BILLS IN ORDER**

Senator Seawell moved that the Senate consider the bills on Assembly third reading file in order.

Motion lost.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 842**—An act making an appropriation relating to the salaries of judges of the superior courts to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2220**—An act to authorize the Youth Authority to sell and convey certain real property in the County of Los Angeles, known as the citrus grove at Fred C. Nelles School, Whittier, California, and appropriating the proceeds for the purchase of a new site for said school.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 465**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land at Newport Beach, Orange County, as part of the State Park System.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2099**—An act to amend Sections 18622, 18626, 18632, 18633, 18634, 18672, 18676, 18680, 18710, 18712, 18738.5, 18739, 18742, 18746, 18747, 18748, 18761 and 18762 of, and to add Section 18783 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2140**—An act making an appropriation for the establishment of fish hatcheries.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—Senators Carter, and Seawell—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2230**—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 142**—An act making an appropriation for the creation of historical dioramas.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 965**—An act making an appropriation to the State Department of Education for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Bill read third time, and presented by Senator Rich.



The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Keating, Kuebel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 964**—An act providing for the maintenance and operation of State cerebral palsy schools, and making an appropriation therefor.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Kuebel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Seawell, Slater, Sutton, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 963**—An act relating to the purchase of sites, construction of buildings, improvements of grounds and purchase of equipment for two State cerebral palsy schools, and making an appropriation therefor.

**Motion to Re-refer Assembly Bill No. 963**

Senator Rich moved that Assembly Bill No. 963 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 966**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

**Motion to Re-refer Assembly Bill No. 966**

Senator Rich moved that Assembly Bill No. 966 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 967**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

**Motion to Re-refer Assembly Bill No. 967**

Senator Rich moved that Assembly Bill No. 967 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 815**—An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1, and 7139.1, to said code, relating to the cost of educating physically handicapped children.

Bill read third time, and presented by Senator Rich.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 969**—An act making an appropriation for repairs and improvements to Sea Cliff Beach, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 970**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1605**—An act making an appropriation to the revolving fund for State purchases, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1606**—An act making an appropriation to the Department of Finance for administrative expenses incurred in procuring surplus war property, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2066**—An act to amend Section 1009 of the Welfare and Institutions Code, relating to transportation of nonresident persons committed to the Youth Authority or confined in institutions subject to its jurisdiction to the States of their residence, providing for the disposition of moneys received for such transportation, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1940**—An act making an appropriation for expenses in connection with the Western Governors' Conference.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 55**—An act to add Section 5 to an act entitled "An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach," approved June 8, 1943, relating to the availability of said appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 188**—An act to amend Sections 3420, 3472, and 3480 of the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 190**—An act to amend Sections 3025, 3084, and 3087.1 of the Welfare and Institutions Code, relating to aid to the needy blind, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 252**—An act to add Section 19622.5 to the Business and Professions Code, and Section 73.5 to the Agricultural Code, relating to junior agriculture fairs, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 440**—An act making an appropriation for the repair, restoration and protection of the ocean beach at the City of Redondo Beach and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenny, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 845**—An act making an appropriation for the investigation, control and eradication of *Omphalia* root rot.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 896**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Manufacturing Fund, making an appropriation, and declaring the urgency thereof.

Bill read third time, and presented by Senator Rich.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 960**—An act to add Chapter 16 to Division 2 of the Education Code, relating to the reorganization of school districts, including formation, government, support, control, functions, maintenance and administration of unified school districts, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 961**—An act making an appropriation for the support of the Department of Education, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.  
NOES—None.

Bill ordered transmitted to Assembly.

**Assembly Bill No. 985**—An act to amend Sections 20602, 20603, 20750, 21252, 21256, and 21257 of the Government Code, and to add Sections 20602.1 and 21252.1 thereto, relating to the State Employees' Retirement System, and changing the rates of contribution thereto and the benefits payable therefrom in respect to members of the California Highway Patrol and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1037**—An act to provide for the repair, restoration and maintenance of the Jenner Jetty on the Russian River, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Ward, and Weybret—31.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1038**—An act to provide for research on diseases of agricultural plants and animals and to make an appropriation therefor, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Rich.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1049**—An act to amend Sections 53 and 59 of, and to add Article 5, comprising Section 992 to 992.6, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, creating a California Veterans' Commission, providing for the functions thereof, and making an appropriation therefor.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1086**—An act making an appropriation for the preparation of plans for postwar construction and development projects on State beaches.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1190**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as an addition to The Langley Porter Clinic and in furtherance of the postwar building program.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1191**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use at a site for a psychiatric hospital clinic in the City of Los Angeles and in furtherance of the postwar building program.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Colber, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1197**—An act to amend Sections 5260 and 7009 of, and to add Sections 7012.5 and 7012.6 to, the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, and providing for the support of persons committed to, or for placement in, homes for the mentally deficient in such homes and on parole or on leave of absence therefrom, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1252**—An act to amend Section 20343 of the Education Code and to add Section 20343.1 to said code, and making an appropriation, all relating to State college fees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1278**—An act to amend Section 20344 and to repeal Section 20461 of the Education Code and to add Article 6.5 to Chapter 2 of Division 10 of said code, all relating to State college summer sessions, and abolishing the State Colleges Summer Session Fund, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1376**—An act making an appropriation to the Department of Industrial Relations for apprenticeship training, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1495**—An act to provide for the acquisition of certain real property in the County of Del Norte by the State Park Commission for State park purposes, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1811**—An act providing for the acceptance, receipt and disposition of property by the State Board of Education and making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in El Dorado, Amador and Calaveras Counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2208**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the 11 Western States and to provide for the distribution and utilization thereof.

Bill read third time, and presented by Senator Rich.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 1.25 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 2232**—An act making an appropriation to the Department of Natural Resources, Division of Beaches and Parks, for the acquisition of the Amestoy Rancho in the County of Los Angeles.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 613**—An act providing for controlled land clearance and revegetation projects for the protection and improvement of range and forage lands, including experiments and research in relation thereto, and making an appropriation to the Division of Forestry to carry out the provisions of this act.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.30 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 2208 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—29.

**NOES**—Senators Cunningham, Deuel, Donnelly, Dorsey, Judah, Keating, Mixer, Salsman, and Sutton—9.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1523**—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for the Department of Public Health and in furtherance of the postwar building program.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2190**—An act making an appropriation to The Regents of the University of California for expenditure for the Agricultural Extension Division of the College of Agriculture of said university.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Shelley, Slater, Sutton, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2195**—An act to authorize the State Department of Education to aid and assist in the development and conduct of a program of aviation education inaugurated by the Civil Air Patrol, and making an appropriation therefor.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 79**—An act to provide for the acquisition of Camp Taylor in Marin County as part of the State Park System, to repeal an act entitled "An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled "An act making an appropriation to the Department of Natural Resources, Division of Parks for the acquisition of land in Marin County as part of the State Park System, approved July 12, 1941," approved June 8, 1943, and making an appropriation.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 221**—An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the County of Alameda.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dillworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1810**—An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State system of parks and beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 739**—An act to amend Section 19616 of the Education Code, and making an appropriation, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Rich.

**Urgency Clause**

Urgency clause read, and adopted by the following vote :

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1182**—An act to add Article 13, comprising Sections 950 to 959, inclusive, to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to county juvenile homes and camps, and providing for assistance by the State for the maintenance of such homes and camps and making an appropriation therefor.

Bill read third, time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1117**—An act making an appropriation for administration of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1400**—An act making an appropriation to pay the claim of the Secretary of the State Board of Control against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES.** Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dullinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—33.

**NOES.** None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1226.** An act making an appropriation to the Division of Water Resources, Department of Public Works, for dredging in connection with Mission Bay Park, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES.** Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dullinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

**NOES.** None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1763.** An act to add Chapter 18, comprising Sections 9500 to 9597, inclusive, to Division 3 of the Business and Professions Code, and to repeal Sections 13313 to 13324, inclusive, 13600 to 13608, inclusive, 13610, 13612 to 13616, inclusive, 13650 to 13652, inclusive, 13654 to 13657, inclusive, 13675 to 13677, inclusive, of the Health and Safety Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES.** Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dullinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Tenney, and Weybret—31.

**NOES.** Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1812.** An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES.** Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Denel, Dullinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

**NOES.** None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2009.** An act to amend Sections 51, 57, 72, 75, 80 and 112 of the Labor Code, relating to the Chief of the Division of Industrial Welfare, Chief of the Division of Immigration and Housing, Director of Industrial Relations and the Industrial Accident Commission, and making an appropriation.

**Motion to Re-refer Assembly Bill No. 2009**

Senator Rich moved that Assembly Bill No. 2009 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 2049**—An act making an appropriation for support of the California State War Council, to take effect immediately.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—Senator Burns—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2233**—An act making an appropriation to the Emergency Fund in Item 275 of the Budget Act of 1945.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 533**—An act to add Chapter 4 to Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft, making an appropriation therefor and declaring the urgency thereof to take effect immediately.

Bill read third time, and presented by Senator Rich.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1573**—An act to amend Section 772 of the Probate Code, relating to notice of sales of personal property generally.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1788**—An act to amend Section 958 of the Code of Civil Procedure, relating to the court records in the superior court.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1946**—An act to amend Sections 689a and 689b of the Code of Civil Procedure, relating to third party claims.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1344**—An act to add Section 1873 to the Code of Civil Procedure, relating to blood grouping tests.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, Collier, Crittenden, Deuel, Dillinger, and Shelley—6.

NOES—Senators Biggar, Breed, Brown, Burns, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—24.

**Assembly Bill No. 2047**—An act to add Section 320d to the Civil Code, relating to articles of incorporation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2048**—An act to add Sections 361c and 362e to the Civil Code, relating to the reorganization of corporations.

Bill read third time, and presented by Senator Tenney.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1838**—An act to amend Sections 226 and 227 of the Civil Code, relating to adoption proceedings.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2162**—An act to add Section 273d to the Penal Code, relating to wilful corporal injury to wife or child.

Bill read third time, and presented by Senator Ward.

#### Previous Question

Senator Fletcher moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 2162.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Kuchel, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—25.

NOES—Senators Breed, Hatfield, Judah, Keating, Powers, and Rich—6.

Bill ordered transmitted to the Assembly.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 277**—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation. Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in.

GORDON  
KEATING  
BIGGAR

LOWREY  
FLETCHER  
BURNS

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1182**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in.

CARTER  
RICH  
Senate Committee on Conference

ROBERTSON  
CRICHTON  
BURKE  
Assembly Committee on Conference

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried. Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the measure, as amended on June 13, 1945, be further amended as follows:

## Amendment No. 1

On page 2, line 50, of the printed measure, as amended, strike out "three", and insert "four".

DILWORTH  
BURNS  
SUTTON  
Senate Committee on Conference

DICKEY  
DUNN  
BERRY  
Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuebel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

**NOES**—None.

Above resolution ordered enrolled.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration. Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on June 12, 1945, be further amended as follows:

**Amendment No. 1**

On page 2, line 12, of the printed measure, as amended, strike out "three", and insert "five".

**Amendment No. 2**

On page 3 of said measure, strike out lines 16 to 23, inclusive, and insert "Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses of claims it may incur under this resolution, to be paid from the said Contingent Funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

WEYBRET  
KEATING  
POWERS

Senate Committee on Conference

MILLER  
RALPH C. DILLS  
LEONARD

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

NOES—None.

Above resolution ordered enrolled.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems. Consisting of the undesignated members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the measure, as amended on June 12, 1945, be further amended as follows:

**Amendment No. 1**

On page 2, line 28, of the printed measure, as amended, strike out "four", and insert "six".

**Amendment No. 2**

On page 3 of said measure, strike out lines 18 to 25, inclusive, and insert "Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

BROWN  
HATFIELD  
POWERS

Senate Committee on Conference

ERWIN  
LOWREY  
CLARKE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

NOES—None.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.40 p.m., on motion of Senator Carter, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the conference report concerning Senate Bill No. 1182 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Hulse, Kuchel, Mayo, Mixer, Parkman, Powers, Rich, Seawell, Tenney, Ward, and Weybret—21.

NOES—Senators Burns, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Quinn, Salsman, Shelley, Slater, and Sutton—17.

Above bill ordered enrolled.

#### MOTION TO AMEND SENATE RULES 11 AND 13

Senator Seawell moved the adoption of the following amendments to Senate Rules Nos. 11 and 13 pursuant to notice of motion given on June 14, 1945.

##### Amendments to Rules 11 and 13

*Resolved*, That Rules 11 and 13 be amended as follows:

Amend Rule 11 by inserting after the second paragraph of the rule the following paragraph:

"The Senate Committee on Finance shall consist of four Senate Members of the Legislative Budget Committee and seven additional Members of the Senate appointed by the Committee on Rules."

Amend Senate Rule 13 by inserting after the first paragraph of such rule the following paragraph:

"The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment thereof and until the convening of the next regular session and shall have the same powers and duties as while the Senate is in session. In addition to any other authority vested in the committee it shall have authority to fill vacancies in any Senate committee or in the Senate Membership of any Joint Committee. In dealing with any matter within its jurisdiction the committee and its members shall have all authority granted to Investigating Committees by the Joint Rules, and particularly by Joint Rule No. 36 as they now exist or may hereafter be amended. The committee may make available to any Senate or Joint Committee or Member of the Senate such assistance in connection with the duties of the committee or other legislative matters as the personnel under the direction of the committee or its other facilities permit."

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—36.

NOES—None.



## RESOLUTIONS

The following resolution was offered :

By Senator Seawell :

## Senate Resolution No. 166

*Resolved*, By the Senate that the sum of one thousand five hundred dollars (\$1,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate to pay the expenses of the Senate Committee on Rules and its members and for any charges, expenses or claims it may incur either during this session or after adjournment thereof, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dencl, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—436.

NOES—None.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1234**—An act to amend Sections 106, 154 and 155 of, to add Section 23.6 to, and to repeal Sections 103, 104, 105 and 156 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendment :

## Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Appointed", and insert "Appointing".

Amendment read and adopted.

Bill ordered printed, and to third reading.

## RECESS

At 1.45 p.m., on motion of Senator Seawell the Senate recessed until 1.55 p.m.

## REASSEMBLED

At 1.55 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 366**—An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees.

The question being : Shall the Senate concur in the following Assembly amendment to Senate Bill No. 366 ?

**Amendment No. 1**

On page 1, line 7, of the printed bill, after "may", insert "; after hearing in accordance with the provisions of this part relating to hearings,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 366 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hatfield, Mayo, McBride, McCormack, Mixer, Quinn, Seawell, Slater, Sutton, Tenney, and Weybret—22.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1188**—An act to add Section 9105 to the Government Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1188?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "717 to the Political", and insert "9105 to the Government".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "717 is added to the Political", and insert "9105 is added to the Government".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "717", and insert "9105".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1188 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, McBride, McCormack, Mixer, Quinn, Seawell, Slater, Sutton, and Tenney—24.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1287**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the eleven western States and to provide for the distribution and utilization thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1287?

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "Reemployment", insert "; to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years,".

**Amendment No. 2**

On page 1, line 13, of said bill, strike out the period, and insert "provided that one copy shall be made available to each of the fifty-eight (58) counties in the State."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1287 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Hulse, Judah, Mayo, McBride, McCormack, Mixer, Quinn, Seawell, Slater, Sutton, and Tenney—24.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Constitutional Amendment No. 22**—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution, adding Section 1b thereto, relative to the amendment or repeal of initiative measures adopted by the people.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 22?

**Amendment No. 1**

Above the title of the printed measure, after "SENATOR JUDAH", insert "SENATOR SALSMAN, co-author".

The roll was called, and the Senate concurred in Assembly amendment to Senate Constitutional Amendment No. 22 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, and Weybret—26.  
NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 365**—An act to amend Sections 5006 and 5922 of the Education Code, relating to school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 365?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 5922", and insert "Sections 5006 and 5922".

**Amendment No. 2**

Strike out line 2 of the title of said bill, and insert "to school districts."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 5006 of the Education Code is amended to read:

5006. The governing board of every school district shall require each employee of the district, whose duty it is to handle funds of the district, to be bonded under [provide] a suitable bond indemnifying the district against loss. *Such bond may be a name schedule bond, schedule position bond or blanket bond, and shall be in such amount and type as the board shall consider necessary and desirable.* The boards shall pay from the funds of the district the cost of the premium necessary to provide the bond.

SEC. 2. Section 5922 of said code is amended".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 365 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—26.  
NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 523**—An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 523?

**Amendment No. 1**

On page 1 of said bill, strike out line 10, and insert "seventeen thousand dollars (\$17,000)."

**Amendment No. 2**

On page 1, lines 11 and 12, of the printed bill, strike out "ten thousand dollars (\$10,000)", and insert "twelve thousand dollars (\$12,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 523 by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hulse, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Weybret—23.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 838**—An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 838?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 7 to 9, inclusive, and insert "(c) This act shall apply only to the real property belonging to a local agency which is situate".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 838 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—24.

**NOES**—Senator Tenney—1.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1301**—An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1301?

**Amendment No. 1**

On page 1, line 5, of the printed bill, following "for", insert "or on the security of a single family residence".

**Amendment No. 2**

On page 1, line 7, of the printed bill, following "annually", insert "if on the security of a farm or agricultural lands, and not less often than monthly if on the security of a single family residence".

**Amendment No. 3**

In lines 2 and 3 of the title of the printed bill, as amended, strike out "secured by agricultural lands".

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "for".

**Amendment No. 5**

On page 1, line 6, of said bill, after "residence," insert "for".



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1301 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Mayo, McBride, McCormack, Mixter, Quinn, Seawell, Slater, Sutton, Tenney, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 2231, and 916 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 916**—An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time.

**Assembly Bill No. 916**—An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—30.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

#### MOTION TO RE-REFER SENATE RESOLUTION NO. 152

Senator Tenney moved that Senate Resolution No. 152 be re-referred to Committee on Rules.

Motion carried.

#### MOTION TO RE-REFER SENATE RESOLUTION NO. 149

Senator Hatfield moved that Senate Resolution No. 149 be re-referred to Committee on Rules.

Motion carried.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Resolution No. 158**—Relating to the creation of an Interim Committee on the State-wide Supervision and Control of the Mentally Deficient in the State, to study, investigate and report on said subject.

WHEREAS, There are reported to be large numbers of mentally deficient and mentally retarded persons residing in the State of California for whom proper care, training or education has not been provided; and

WHEREAS, It is imperative that all pertinent facts bearing upon the mentally deficient and mentally retarded in this State be found, assembled and analyzed to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of an effective plan for the proper welfare of such persons in the State and in the formulation of legislation therefor; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the Legislature through a joint interim committee of the Senate and Assembly charged with the study of every phase of this subject; now, therefore, be it

*Resolved by the Senate*

1. That a committee to be known as the Interim Committee on State-wide Supervision and Control of the Mentally Deficient, consisting of five Members of the Senate appointed by the Rules Committee thereof, is hereby created.

2. The committee is hereby authorized and directed to ascertain, study, analyze and gather all facts relating to the welfare of the mentally deficient and retarded of this State, including but not limited to the operation, effect, administration, enforcement and needed revision or enactment of any and all laws in any way bearing upon or relating to the subject of this resolution. The committee is further authorized to study the problems relating to the identification, supervision, segregation, registration, education, and control of propagation of mentally deficient and mentally retarded persons in or out of the public institutions and schools in our State, and the furtherance of vocational training and education of such persons; and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of any State, city, county, and other agencies interested in any matter within the scope of this resolution.

(c) To contract with such agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports of the committee as will best assist it to carry out the purposes for which it is created.

(d) To meet at any and all places in this State, in public or executive session, and to take all necessary means to procure testimony and to compel the attendance of witnesses.

(e) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby made available from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Ward—31.

NOES—None.

**Senate Resolution No. 150—Relating to the creation of the Senate Interim Committee on Veterans Affairs.**

WHEREAS, A proper regard for the problems of returning servicemen and their families requires legislative action within a complex sphere; and

WHEREAS, Such legislation must be based on a thorough knowledge of the operation of State and Federal laws relating to veterans, and a complete familiarity with the facilities with which the veteran must deal, their adequacy and desirability, and the need for coordination or regulation thereof, as well as complete information as to the interplay of social and economic forces on the veteran's family and property; now, therefore, be it

*Resolved by the Senate of the State of California, That*

1. The Senate Interim Committee on Veterans Affairs is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the social and economic effect of wartime conditions on those who are or have been in the armed services, and the adequacy, desirability, and need for coordination or regulation of persons, groups, institutions and State and local agencies which affect such persons or purport to offer them assistance, including but not limited to the operation, effect, administration, enforcement and needed revision of every provision of the Military and Veterans Code of the State of California, and any and all other laws, both Federal and State in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee may make such representations and recommendations to the Federal Government as it may deem advisable on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and the recommendations and representations shall be those of the committee, and not of the Legislature or of either house thereof.

3. The committee shall consist of five members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Senate or to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of four thousand dollars (\$4,000), or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 2202**—An act relating to aviation; creating a California Aeronautical Commission, and prescribing the responsibilities and powers of such commission.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1008**—An act to amend Section 4712 of the Education Code, relating to the Public School System.

Bill read third time, and presented by Senator McCormack.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hathfield, Jespersen, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**Assembly Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX of said Constitution, relating to education.

Resolution read, and presented by Senator Salsman.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1169**—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 2227**—An act to amend Section 1204 of the Code of Civil Procedure, relating to claims and liens for labor.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1387**—An act to amend Sections 3950, 3951, 3952, 3960, 3964, and 3968, and to enact Sections 3964 and 3965 of the Revenue and Taxation Code, relating to actions by purchasers or holders of tax-deeded property to determine adverse claims to or clouds upon that property and relating to the partition of tax-deeded property.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—Senators Carter and Donnelly—2.

#### Motion to Amend Title

Senator DeLap moved the adoption of the following amendment:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "3964,".

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

**Assembly Bill No. 832**—An act to amend Section 118 and to repeal Section 118.1 of the Welfare and Institutions Code, relating to public assistance, providing for the custody and use of information, records, and other papers concerning applicants and recipients and for the adoption of rules governing the disclosure of such information and papers.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Shelley, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 986**—An act to add Section 104.6 to the Welfare and Institutions Code, relating to public assistance, and requiring prompt county compliance with the awards of the State Social Welfare Board.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.10 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 16 adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Kuchel, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—Senators Collier, Dilworth, Gordon, Hulse, Jespersen, Judah, Mixer, and Quinn—8.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 927**—An act to amend Section 227 of, and to add Section 224.1 to, the Civil Code, relating to adoption.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Kuchel, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, and Ward—26.

**NOES**—Senators Desmond, Fletcher, Hatfield, Judah, McCormack, Quinn, Shelley, Slater, and Sutton—9.

Bill ordered transmitted to the Assembly.

**RECESS**

At 2.15 p.m., on motion of Senator Seawell, the Senate recessed until 2.25 p.m.

**REASSEMBLED**

At 2.25 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**MOTION TO EXCUSE MEMBER**

At 2.25 p.m. Senator Crittenden moved that Senator Fletcher be excused for the balance of the legislative day.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Placer County, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor;

And appointed Messrs. Thurman, Weber, and Thompson as a Committee on Conference, to meet a like committee from the Senate.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
**By H. F. LEWRIGHT**, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1279**—An act to amend Section 160 of the Probate Code, relating to the date of the accrual of income, annuities or other payments from funds established or created by the wills of deceased persons.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 2202**—An act relating to aviation; creating a California Aeronautical Commission, and prescribing the responsibilities and powers of such commission;

And appointed Messrs. Waters, Rosenthal, and Collins, Sam L., as a Committee on Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1117**—An act to amend Sections 9100 and 9151 and to repeal Sections 9011 and 9112.5, Chapter 2, comprising Sections 9030 to 9053, inclusive, and Article 3, comprising Sections 9090 to 9093, inclusive, of Chapter 3 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission; And appointed Messrs. Stream, Lowrey, and Thompson as a Committee on Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 278**—An act to amend Sections 67 and 80 of the Unemployment Insurance Act, relating to the payment of benefits pending appeals;

And appointed Messrs. Sheridan, Rosenthal, and Watson as a Committee on Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 380  
Senate Bill No. 454  
Senate Bill No. 1003

Senate Bill No. 1102  
Senate Bill No. 1288

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 68

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 697  
Assembly Bill No. 55  
Assembly Bill No. 79  
Assembly Bill No. 142  
Assembly Bill No. 221  
Assembly Bill No. 533  
Assembly Bill No. 739  
Assembly Bill No. 965  
Assembly Bill No. 985  
Assembly Bill No. 1142  
Assembly Bill No. 1182

Assembly Bill No. 1190  
Assembly Bill No. 1400  
Assembly Bill No. 1523  
Assembly Bill No. 1810  
Assembly Bill No. 1811  
Assembly Bill No. 2220  
Assembly Bill No. 1191  
Assembly Bill No. 1763  
Assembly Bill No. 1573  
Assembly Bill No. 1838

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended.

Senate Bill No. 1084

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business files.

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 28  
Senate Bill No. 254

Senate Bill No. 745  
Senate Concurrent Resolution No. 62

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Powers, and Hulse, as a Senate Committee on Conference concerning Assembly Bill No. 1823 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1823**—An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in El Dorado, Amador and Calaveras counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.



Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 14, 1945, be further amended as follows:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, before "El Dorado", insert "Modoc,".

**Amendment No. 2**

On page 1, line 5, of said bill, before "El Dorado", insert "Modoc,".

**Amendment No. 3**

On page 1 of said bill, strike out lines 11 and 12, and insert "Sec. 2. The sum of ten thousand two hundred fifty-six dollars and seventy-six cents (\$10,256.76) is hereby appropriated".

MAYO  
POWERS  
HULSE

Senate Committee on Conference

THURMAN  
WEBER  
THOMPSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.

**NOES**—None.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

**Senate Bill No. 101**—An act to amend Section 3 of the property acquisition act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing this act shall take effect immediately;

**Senate Bill No. 131**—An act to amend Sections 1501 and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children;

**Senate Bill No. 144**—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.17, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements;

**Senate Bill No. 251**—An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, to take effect immediately;

**Senate Bill No. 270**—An act to amend the Building and Loan Association Act by amending Sections 9.09, 9.10 and 9.12 thereof, relating to loans;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** Your Committee on Rules has examined:

**Senate Bill No. 509**—An act making an appropriation for the purchase of land for Stockton State Hospital;

**Senate Bill No. 600**—An act to extend the effective date of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved February 10, 1943, and making an appropriation for the further administration thereof;

**Senate Bill No. 835**—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and

to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act;

**Senate Bill No. 941**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1014**—An act to add Section 271 to, and amend Section 254 of, the Health and Safety Code, relating to physically handicapped children;

**Senate Bill No. 1026**—An act to amend Section 6503 of the Public Resources Code, relating to leases of public lands;

**Senate Bill No. 1036**—An act to amend Sections 23 and 50 of the Public Utilities Act, relating to public utilities;

**Senate Bill No. 1078**—An act to amend Section 66 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure and provisions for claims for benefits thereunder;

**Senate Bill No. 1087**—An act to amend Section 72 of the Unemployment Insurance Act, relating to unemployment insurance and the payment of benefits pending appeals thereunder;

**Senate Bill No. 1093**—An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility for benefits thereunder;

**Senate Bill No. 1101**—An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act, relating to definitions contained therein; And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1131**—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title 12 of the Social Security Act;

**Senate Bill No. 1212**—An act to add Section 18662 to the Health and Safety Code, relating to auto and trailer camps;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 42**—An act to amend Sections 1 and 2 of an act entitled "An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or performance thereof, and to authorize their recordation in the office of the Secretary of State," approved June 13, 1913, relating to the recordation of instruments under said act;

**Senate Bill No. 63**—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class;

**Senate Bill No. 68**—An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II;

**Senate Bill No. 87**—An act to amend Sections 2801, 2802, 2803, 2805, and 2808 of the Revenue and Taxation Code, relating to property taxation;

**Senate Bill No. 145**—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding Section 14.8, relating to judgments against district directors, officers, agents and employees;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 223**—An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 269**—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof, relating to loans;

**Senate Bill No. 303**—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs;

**Senate Bill No. 332**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 343**—An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park, to take effect immediately;

**Senate Bill No. 599**—An act to add a new section to the Streets and Highways Code, to be numbered 100.7, relating to powers of the Department of Public Works with respect to bridges acquired under the California Toll Bridge Authority Act, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 607**—An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College;

**Senate Bill No. 666**—An act to add a new article to Chapter 13 of Part 10 of the Revenue and Taxation Code to be numbered Article 5, relating to the authority of the Franchise Tax Commissioner to enter into closing agreements in respect to personal income taxes for any taxable period;

**Senate Bill No. 792**—An act to amend Section 185 of the Education Code, relating to traveling expenses;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 811**—An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereto a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the Board of Directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas;

**Senate Bill No. 812**—An act to amend Section 5005 of the Streets and Highways Code, relating to the definition of "cities" and extending the same to include resort districts formed under the provisions of Division 2 of the California Resort District Act;

**Senate Bill No. 813**—An act to amend Section 5014 of the Streets and Highways Code, relating to the definition of "street" and providing that the same shall include ways dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Division 2 of the California Resort District Act;



And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 973**—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State treasury in connection therewith;

**Senate Bill No. 974**—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold;

**Senate Bill No. 975**—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase;

**Senate Bill No. 980**—An act to amend Section 373 of the Elections Code, relating to elections;

**Senate Bill No. 991**—An act to amend Section 470 of the Civil Code, relating to railroad franchises and permits;

**Senate Bill No. 1068**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 352 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1069**—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more;

**Senate Bill No. 1079**—An act to add Section 47 to the Unemployment Insurance Act, relating to unemployment insurance and the publication of the rate of taxation thereunder;

**Senate Bill No. 1151**—An act to amend Section 13902 of the Government Code, relating to the State Board of Control;

**Senate Bill No. 1173**—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners;

**Senate Bill No. 1175**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts;

**Senate Bill No. 1181**—An act to amend Sections 178, 188, 333, 415, 434, and 510 and to repeal Sections 179, 184, 185, 186, 190, 191, and 192, of the Military and Veteran's Code, relating to military property;

**Senate Bill No. 1191**—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating";

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1214**—An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees;

**Senate Bill No. 1219**—An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities, and declaring the urgency thereof, to take effect immediately;



**Senate Bill No. 1236**—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings;

**Senate Bill No. 1272**—An act to add Sections 106.5 and 1203 to the Water Code, relating to water and the use thereof, declaring a State policy in relation to water and water rights owned by municipalities, and providing for the application of water in excess of the needs of municipalities to beneficial uses by others;

**Senate Bill No. 1280**—An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State;

**Senate Bill No. 1289**—An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers; And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1290**—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code;

**Senate Bill No. 1300**—An act to repeal an act entitled "An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, and providing for the reversion of the moneys in said reserve to unappropriated moneys in the General Fund;

**Senate Bill No. 1299**—An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 276**—An act to amend Sections 20750 and 20490 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State employees;

**Senate Bill No. 301**—An act relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets;

**Senate Bill No. 331**—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes;

**Senate Bill No. 336**—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind;

**Senate Bill No. 363**—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 369**—An act to amend Section 19183 of the Education Code, relating to library funds of city school districts;

**Senate Bill No. 411**—An act to repeal Section 169 of the Fish and Game Code, relating to game refuges;

**Senate Bill No. 440**—An act making an appropriation for support of the State printing plant, State Department of Finance, to take effect immediately;

**Senate Bill No. 450**—An act to add Section 39.2 to the Fish and Game Code, relating to granting of powers to the commission to reduce the bag and possession limits on game fish, birds, or mammals;

**Senate Bill No. 502**—An act to add Section 15003 to the Government Code, relating to the deputy director of the Department of Justice;

**Senate Bill No. 677**—An act declaring the public policy of the State, relating to flood waters and control, conservation and use of the State's water resources; creating the State Water Resources Board and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Water Resources Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 866**—An act to amend Section 12041 of the Government Code, relating to Governor's council;

**Senate Bill No. 880**—An act to amend Section 22003 of the Education Code, relating to the State Librarian;

**Senate Bill No. 1291**—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 57**—Relative to the providing of human blood and its derivatives to the people of this State;

**Senate Concurrent Resolution No. 67**—Relative to adding Section 37.5 to the Joint Rules of the Senate and Assembly relative to the Legislative Budget Committee;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 22**—Relative to amendment of the Federal Social Security Act in respect to old-age assistance;

**Senate Joint Resolution No. 26**—Relative to the destruction of agricultural crops by wild ducks;

**Senate Joint Resolution No. 27**—Relative to current movements for a lenient peace with Japan, and memorializing the President and Congress to insist upon complete and unconditional surrender;

**Senate Joint Resolution No. 28**—Relative to memorializing Congress to enact H. R. 2536, Seventy ninth Congress, First Session, relating to the regulation of transportation companies;

**Senate Joint Resolution No. 31**—Relative to memorializing Congress to enact legislation to enable California to extend its State Unemployment Insurance Act to cover employees in Federal war plants and agencies;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 1 p.m.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

## Senate Resolution No. 167

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant from the Contingent Fund of the Senate in the sum of Three Hundred Four and 80/100 Dollars (\$304.80) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same.

Cascade Towel Supply Co.....	\$10 50
Pacific Tel. & Tel. Co.....	187 05
Railway Express Co.....	4 14
State Department of Finance.....	16 91
Western Union .....	86 20
	<hr/> \$304 80

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Salsman, Seawell, Slater, Tenney, and Weybret—28.

NOES—None.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 35**—An act to amend Section 1648.3, of the Insurance Code, relating to insurance.

Bill read third time, presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2057**—An act to provide for the relief of hardship and destitution, providing for the administration of such relief by the counties under the supervision of the State Department of Social Welfare, providing for the financing of such relief, and specifying the powers, duties, rights and liabilities of the counties and of the State Department of Social Welfare in relation thereto.

Bill read third time, and presented by Senator DeLap.

## Previous Question

Senator McBride moved the previous question.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Tenney, Ward, and Weybret—27.

NOES—Senators Collier, Dilworth, Donnelly, Judah, Keating, Mayo, McBride, Rich, Seawell, and Sutton—10.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2206**—An act to add Section 7.7 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, and Weybret—25.

NOES—Senators Carter, DeLap, Dillinger, Donnelly, Jespersen, Salsman, Shelley, and Sutton—8.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 938**—An act to amend Section 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to license fees of credit unions.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1127**—An act to amend Section 6103 of the Government Code, relating to fees.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1128**—An act to amend Section 11007 of the Government Code, relating to insurance of the property of the State Compensation Insurance Fund.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1782**—An act to amend Section 4.5 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read third time, and presented by Senator Desmond.



The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Mayo, Keating, and Collier as a Senate Committee on Conference concerning Assembly Bill No. 2202 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Rich, Hulse, and Mayo as a Senate Committee on Conference concerning Assembly Bill No. 1117 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Tenney, Desmond, and McBride as a Senate Committee on Conference concerning Assembly Bill No. 278 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**  
SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 609**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a roster of public officials of California and to make an appropriation therefor.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 928**—An act to amend Sections 224, 226, 227a, and 227aa of the Civil Code, and to add Sections 224p, 224q, and 227aaa thereto, relating to the adoption of children, modifying the procedures therefor, authorizing the disclosure of information relating thereto in certain cases, and penalizing placement of children for adoption by unlicensed persons and advertising such placement by unlicensed persons.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—32.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2211**—An act to add Chapter 3 comprising Sections 1425 to 1430, inclusive, to Division 2 of the Health and Safety Code, relating to emergency services for persons injured in accidents.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Seawell, Shelley, Slater, Sutton, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1083**—An act to repeal Section 114 of and to add Section 114 to the Business and Professions Code, relating to the renewal of licenses, declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1233**—An act to amend Section 158 of the Business and Professions Code, relating to refunds.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2038**—An act to amend Section 7048 of the Business and Professions Code, relating to contractors.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—27.

NOES—Senator Mayo—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1235**—An act to amend Sections 2736 and 2811 of the Business and Professions Code, relating to the practice of professional nursing.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 685**—An act to repeal Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of a certificate of certified public accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1279**—An act to amend Section 21 of the Agricultural Code, Sections 151 and 10055 of the Business and Professions Code, Section 10204, 13002, and 14002 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, Section 501 of the Public Resources Code, Section 152 of the Welfare and Institutions Code, Section 3700 of the Political Code, Section 10 of the Public Utilities Act, and Section 22003 of the Education Code, and to add Section 38d to the Alcoholic Beverage Control Act, relating to State officers and employees, their qualifications and salaries;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on June 15, 1945, be further amended as follows:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 6 of the title of the printed bill, as amended, strike out "Section 152", and insert "Sections 130 and 152".

**Amendment No. 2**

In the title of said bill, strike out line 9; and in line 10 of the title, strike out "holic Beverage Control Act." and insert "Sections 76 and 77 of the Unemployment Insurance Act,".

**Amendment No. 3**

On page 3 of said bill, between lines 46 and 47, insert

"Sec. 10.5. Section 130 of the Welfare and Institutions Code is amended to read: 130. Notwithstanding any of the provisions of this code the Director of Social Welfare shall receive a salary of [six] *ten thousand dollars (\$10,000)*."

**Amendment No. 4**

On page 4 of said bill, strike out lines 13 to 17, inclusive; and in line 18 strike out "SEC. 13.", and insert

"SEC. 12.".

**Amendment No. 5**

On page 4 of said bill, after line 25, insert

"Sec. 13. Section 76 of the Unemployment Insurance Act is amended to read:

Sec. 76. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One of such divisions shall be designated Division of Public Employment Offices and Benefit Payments, and one shall be designated the Division of Accounts and Tax Collections. Each of these two divisions shall be under a chief who shall be appointed by the Governor, subject to the approval of the Senate, and who shall serve at the pleasure of the Governor. The chief of each of these two divisions shall devote his full time to the performance of his duties as such chief of a division and shall receive a salary of [seven thousand five hundred dollars (\$7,500)] *ten thousand dollars (\$10,000)* per year. There shall be such other divisions as the commission may determine that the exigencies and nature of the work of the department require.

SEC. 14. Section 77 of the Unemployment Insurance Act is amended to read:

Sec. 77. The California Unemployment Insurance Appeals Board, to consist of three members to be appointed by the Governor, subject to the approval of the Senate, is hereby created in the Department of Employment. Each member of such board shall devote his full time to the performance of his duties in this act defined and shall receive a salary of [seven thousand five hundred dollars (\$7,500)] *ten thousand dollars (\$10,000)* per year."

PARKMAN  
COLLIER  
BROWN

Senate Committee on Conference

SAWALLISCH  
FIELD  
MASSION

Assembly Committee on Conference

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time 2.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Concurrent Resolution No. 62**—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 62?

**Amendment No. 1**

On page 2, line 20, of the printed resolution, as amended in the Senate on June 7, 1945, strike out "five", and insert "seven".

**Amendment No. 2**

On page 3, line 3, of said resolution, after "available from the", strike out the balance of the resolution, and insert "Contingent Funds of the Assembly and of the Senate in the proportion of seven dollars (\$7) from the Assembly Contingent Fund to each five dollars (\$5) from the Senate Contingent Fund for the expenses of the committee and its members and for any charges, expenses or claims it or they may incur



under this resolution; which sum shall be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

#### Amendment No. 3

On page 2, line 22, of the printed measure, as amended, strike out "seven", and insert "five".

#### Amendment No. 4

On page 3 of said measure, strike out lines 11 to 18, inclusive, and insert: "Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 62 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

**NOES**—None.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:35 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Conference Committee report on Senate Bill No. 1279 adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Desmond, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—23.

**NOES**—Senators Biggar, Carter, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Jepsen, Judah, Keating, Rich, Salsman, and Shelley—14.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 563**—An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code and Section 141 of the Education Code, relating to the salaries of State officers.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 2, 1945, be further amended as follows:

#### Amendment No. 1

On page 2 of the printed bill, as amended, strike out line 4 and insert "ten thousand dollars (\$10,000)."

#### Amendment No. 2

On page 2 of said bill strike out line 8, and insert "ten thousand dollars (\$10,000)."

#### Amendment No. 3

On page 2 of said bill, strike out line 12 and insert "ten thousand dollars (\$10,000)."

#### Amendment No. 4

On page 2 of said bill, strike out line 16 and insert "ten thousand dollars (\$10,000)."

#### Amendment No. 5

On page 2 of said bill, lines 26 and 27, strike out "seven thousand five hundred (\$7,500)", and insert "ten thousand dollars (\$10,000)".

TENNEY  
HATFIELD  
DELAP

FIELD  
ERWIN  
DICKEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Dillinger, Dorsey, Hatfield, Jespersen, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—23.

**NOES**—Senators Biggar, Cunningham, Dilworth, Donnelly, Judah, Keating, Kuchel, and Mayo—8.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** The Senate Committee on Rules has appointed Senators Quinn and Swing as members of the State War Council, providing the bill recreating the State War Council becomes law.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** The Senate Committee on Rules has appointed the following Senators as members of the Joint Committee created under Senate Bill No. 1188: Senators Seawell, Deuel, Powers. These appointments only to be effective if Senate Bill No. 1188 becomes law.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

**MR. PRESIDENT:** The Committee on Rules has appointed the following Senators as members of Joint and Senate Interim Committees as provided for in the following numbered resolutions:

**Senate Concurrent Resolution No. 68**—Seawell, Powers, and Deuel.

**Senate Concurrent Resolution No. 19**—Weybret, Desmond, Dillinger, Fletcher, and Breed.

**Senate Concurrent Resolution No. 40**—McBride, Cunningham, and Rich.

**Senate Concurrent Resolution No. 27**—Tenney, Hulse, McBride, Seawell, Collier, McCormack, and Hatfield.

**Senate Concurrent Resolution No. 62**—Crittenden, Deuel, Carter, Cunningham, and Rich.

**Senate Concurrent Resolution No. 66**—Tenney, Burns, Dilworth, and Gordon.

**Senate Concurrent Resolution No. 51**—Hatfield, Weybret, Hulse, Desmond, Powers, and Crittenden.

**Assembly Concurrent Resolution No. 25**—Swing, Shelley, and Kuchel.

**Senate Resolution No. 142**—Seawell, Parkman, McCormack, Keating, and Collier.

**Senate Resolution No. 127**—Hulse, Ward, Parkman, Powers, and Burns.

**Senate Resolution No. 121**—Mayo, Seawell, Brown, Mixer, Swing, Tenney, Hulse, Shelley, and Salsman.

**Senate Resolution No. 123**—Swing, Brown, and Dilworth.

**Senate Resolution No. 129**—Brown, Mayo, Hatfield, Crittenden, and Tenney.

**Senate Resolution No. 131**—Salsman, Sutton, Shelley, Jespersen, and Breed.

**Senate Resolution No. 136**—Judah, Jespersen, DeLap, Fletcher, and Ward.

**Senate Resolution No. 148**—Shelley, Breed, Kuchel, Desmond, and Ward.

**Senate Resolution No. 144**—Dorsey, Mixer, Judah, Jespersen, and Sutton.

**Senate Resolution No. 151**—Biggar, Carter, Fletcher, Gordon, and Dillinger.

**Senate Resolution No. 158**—Slater, Quinn, Donnelly, Dorsey, and Sutton.

**Senate Resolution No. 150**—Quinn, Dilworth, DeLap, Mixer, and Biggar.

**Senate Resolution No. 160**—Gordon, Carter, and Keating.

**Senate Resolution No. 138**—Donnelly, Dorsey, Slater, Judah, and Quinn.

SEAWELL, Chairman

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 55

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to third reading.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 549**—An act to amend Sections 14305, 14372, 14379, 14474, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14636, 14637, 14640, 14680, and 14681 of, and to add Sections 14402, 14449.1, 14479.1, 14479.2, and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 549?

## Amendment No. 1

On page 6, line 42, of the printed bill, as amended, strike out "by", and insert "of".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 549 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixer, Parkman, Quinn, Salsman, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 986**—An act to add Chapter 10.5 to Title 9 of Part 1 of the Penal Code, relating to horse racing and touting and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 986?

## Amendment No. 1

In line 4 of the title of the printed bill, as amended, before the period, insert "and declaring the urgency thereof, to take effect immediately".

## Amendment No. 2

On page 5 of said bill, after line 20, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: There is now no statute prohibiting touting as defined herein, which fact has been widely utilized by unscrupulous and vicious persons to mulct numerous persons of large sums of money. This widespread imposition on the citizens of this State has also served to undermine the confidence of the public in the sport of horse racing and is doing great harm to it. This bill is designed to curb said practices and to prevent the influx of touts from out-of-State."

**Amendment No. 3**

On page 4, line 12, of the printed bill, as amended, after "touting," insert "Any person, firm, association, or corporation, except a bona fide newspaper of general circulation or a publication of news or records relating to any horse race, who knowingly and designedly sells, or for compensation or reward or promise of compensation or reward, sells or otherwise disposes of any tip sheet or other form of purported information predicting or pretending to predict the result of any horse racing or horse races is guilty of touting."

**Amendment No. 4**

On page 1 of the printed bill, as amended, strike out lines 12 to 19, inclusive, and insert "tout, and is guilty of touting."

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—None.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 986 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 588**—An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 588?

**Amendment No. 1**

In line 22 of the title of the printed bill, after "thereof", insert ", and making an appropriation",



**Amendment No. 2**

On page 1 of the printed bill, following line 9, insert

"SEC. 2. The unexpended balance of any money deposited in the Department of Public Health Fund under the provisions of Section 9d of the act cited in the title hereof on the effective date of this act shall be by the State Controller transferred to the General Fund in the State Treasury.

SEC. 3. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of four thousand three hundred fifty-five dollars (\$4,355) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945 to permit the Department of Public Health to meet expenditures heretofore payable from the Walnut Shelling Inspection Fund.

SEC. 4. To the extent that funds are made available for expenditure by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 588 by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 589**—An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds, providing the reversion thereof, and making an appropriation to the Department of Public Health.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 589?

**Amendment No. 1**

In line 2 of the title of the printed bill, after "funds", insert "providing the reversion thereof, and making an appropriation to the Department of Public Health".

**Amendment No. 2**

On page 1 of the printed bill, following line 17, insert

"SEC. 4. The unexpended balances of any moneys deposited in the Department of Public Health Fund under the provisions of Sections 1242 and 2104 of the Health and Safety Code on the effective date of this act shall be by the State Controller transferred to the General Fund in the State Treasury.

SEC. 5. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of nine thousand four hundred eighty-six dollars (\$9,486) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945 to permit the Department of Public Health to meet expenditures heretofore payable from the Clinic and Dispensary Fund and the Aviary Inspection Fund.

SEC. 6. To the extent that funds are made available for expenditure by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 589 by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 585**—An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to clinical laboratory fees, providing the reversion thereof, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 585?

**Amendment No. 1**

Before the period at the end of line 2 of the title of the printed bill, insert “, providing the reversion thereof, and making an appropriation”.

**Amendment No. 2**

On page 1 of the printed bill, following line 10, insert

“Sec. 3. The unexpended balance of any moneys deposited in the Department of Public Health Fund under the provisions of Section 1304 of the Business and Professions Code on the effective date of this act shall be by the State Controller transferred to the General Fund in the State Treasury.

Sec. 4. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of twelve thousand two hundred fourteen dollars (\$12,214) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945, to permit the Department of Public Health to meet expenditures heretofore payable from the Clinical Laboratory Fund.

Sec. 5. To the extent that funds are made available for expenditures by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount.”

**Amendment No. 3**

In line 2 of the title of the printed bill, strike out “special funds”, and insert “clinical laboratory fees”.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 585 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1044**—An act to amend Section 12291 of the Education Code, relating to health and development certificates.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1044?

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out “chiroprody”, and insert “health and development certificates”.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1044 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Tenney, Ward, and Weybret—30.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 1176**—An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1176?

## Amendment No. 1

On page 1 of the printed bill, after line 8, insert  
"Any city which is incorporated subsequent to the Federal Census taken in the year 1920 and which does not adopt a charter as provided by the Constitution is a city of the sixth class."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1176 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 786**—An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 786?

## Amendment No. 1

On page 1, line 11, of the printed bill, as amended April 6, 1945, strike out the first "and", and insert "or".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 786 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dillworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Above bill ordered enrolled.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1117**—An act to amend Sections 9100 and 9151 and to repeal Sections 9011 and 9112.5, Chapter 2, comprising Sections 9030 to 9053, inclusive, and Article 3, comprising Sections 9090 to 9093, inclusive, of Chapter 3 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on June 15, 1945, be further amended as follows:

## Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 to 6, inclusive, and insert "making an appropriation for the administration of the provisions of Chapter 2 of".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 16, inclusive, and insert

"SECTION 1. The sum of seventeen thousand five hundred dollars (\$17,500) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the State Soil Conservation Commission for the administration and carrying out of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to soil conservation."

**Amendment No. 3**

On page 2 of said bill, strike out lines 1 to 12, inclusive.

HULSE

MAYO

Senate Committee on Conference

STREAM

LOWREY

THOMPSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

**Consideration of Assembly Amendments**

**Senate Bill No. 28**—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to a system of unemployment reserves.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 28?

**Amendment No. 1**

On page 2 of the printed bill, after line 51, insert

"(b) The commission may prescribe regulations for the establishment, maintenance and dissolution of joint accounts by two or more employers, and shall in accordance with such regulations, upon application by two or more employers to establish such account or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 28 by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 254**—An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 254?

**Amendment No. 1**

On page 1, line 25, of the printed bill, as amended, strike out "subdivisions two and three", and insert "subdivision 2".

**Amendment No. 2**

On page 2, line 38, of said bill, after "8.", insert "As far as practicable, compensation must be assessed for each source of damages separately.

9."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 254 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield,



Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.  
NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1084**—An act to amend Sections 67, 68 and 80 of the Unemployment Insurance Act, relating to unemployment insurance and the limitation on benefit appeals thereunder.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1084?

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 68", and insert ", 68 and 80".

##### Amendment No. 2

On page 2, line 3, of the printed bill, after the comma, insert "*and regardless of any action taken under Section 72 of this act or otherwise by the commission, the Appeals Board, or any other administrative body or by any court.*".

##### Amendment No. 3

On page 2 of the printed bill, after line 28, insert

"SEC. 3. Section 80 of said act is amended to read:

Sec. 80. The decision of the Appeals Board on an appeal from the findings of a referee must be rendered within 60 days after the filing of the appeal unless such board requires the taking of further evidence, in which case the hearing on the appeal shall be commenced within 60 days after the filing of an appeal, and in the latter case the decision of the board must be filed within 60 days after completion of such hearing. *If the Appeals Board issues a decision allowing benefits such benefits shall be paid regardless of any further action taken by the commission, the Appeals Board, or any other administrative agency, and regardless of any appeal or mandamus, or other proceeding in the courts. But if such decision of the Appeals Board is finally reversed or set aside, no employer's account shall be charged with benefits so paid as to such decision so reversed or set aside.*"

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1084 by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Jespersen, Judah, Keating, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—22.

NOES—Senators Desmond, Dilworth, Hatfield, Hulse, Kuchel, McCormack, Mixer, Parkman, and Weybret—9.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 745**—An act to amend Section 302 of the Streets and Highways Code, relating to the State Highway System.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 745?

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 253 to", and insert "amend Section 302 of".

##### Amendment No. 2

On page 1, line 1, of the printed bill, strike out "253 is added to", and insert "302 of".

##### Amendment No. 3

On page 1, line 2, of said bill, strike out the comma, and insert "is amended".

##### Amendment No. 4

On page 1 of said bill, strike out lines 3 to 9, inclusive, and insert

"302. Route 2 is from:

(a) *The junction of Route 56 (Funston Approach) and the approach to the Golden Gate Bridge in the Presidio of San Francisco to the international boundary line near Tia Juana via San Diego and National City.*

(b) *Orcutt to Route 2 south of Santa Maria.*

(c) *Harriston to Route 2 near Los Alamos.*"

The roll was called, and the Senate Concurred in Assembly amendments to Senate Bill No. 746 by the following vote:

AYES: Senators Rogers, Brown, Barnes, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillingham, Donnelly, Donsey, Gorman, Hildbold, Jaspersen, Judah, Kauting, Knutson, Mayne, McCormack, Meyer, Peterson, Quinn, Rich, Salsman, Seawell, Shiley, Sifton, Sutton, Tenney, Wood, and Wyburn—32.  
 NAYS: None.

Above bill ordered enrolled.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1387

Assembly Bill No. 2227

Assembly Bill No. 986

Assembly Bill No. 1169

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWIS, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in the report of the Committee on Conference concerning:

**Assembly Bill No. 1117**—An act to amend Sections 9100 and 9151 and to repeal Sections 9011 and 9152 of Chapter 2, commencing Sections 9000 to 9054, inclusive, and Article 4, commencing Sections 9000 (1945), inclusive, of Chapter 3 of Division 2 of the Public Resources Code, relating to the State Soil Conservation Commission.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWIS, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 918**—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWIS, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1094

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWIS, Assistant Clerk

### MOTION TO RE-REFER SENATE RESOLUTION NO. 161

Senator Seawell moved that Senate Resolution No. 161 be re-referred to Committee on Rules.

Motion carried.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1234**—An act to amend Sections 106, 154 and 155 of, and to add Section 236 to, and to repeal Sections 103, 104, 105 and 156 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 213**—An act to amend Sections 5514, 5518, 5550, 5551, 5554, 5560, 5561, 5573, 5580, 5600, and 5604 of, to add Sections 5502, 5557 and 5561.5 to, and to repeal Sections 5513, 5519, 5552, 5553, 5556, and 5572 of the Business and Professions Code, relating to architecture.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Quinn, Seawell, Slater, Tenney, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1599**—An act to amend Sections 6703, 6731, 6733, and 6787 of, and to add Section 6731.5 to, the Business and Professions Code, relating to the practice of civil engineering.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1630**—An act to add Section 19061.5 to the Business and Professions Code, and to repeal Sections 19062, 19063, 19064, 19065 of said code, relating to furniture and bedding licenses.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1868**—An act to amend Section 5954 of the Labor Code, relating to judicial review of proceedings of the Industrial Accident Commission.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 134**—An act to amend Section 4661 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read third time and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 378**—An act to amend Section 3713 of the Labor Code, relating to security for the payment of workmen's compensation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1885**—An act to amend Section 5003 of the Labor Code, relating to compromise and release of a compensation claim.

Bill read third time, and presented by Senator Rich.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: The Committee on Rules has appointed the following Senators as Members of the Senate Committee under the terms of Assembly Concurrent Resolution No. 77: Senators Keating (Chairman), Shelley, and Breed.

SEAWELL, Chairman

**Assembly Bill No. 1565**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.



**Motion to Re-refer Assembly Bill No. 1565**

Senator Rich moved that Assembly Bill No. 1565 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 2135**—An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

**Motion to Re-refer Assembly Bill No. 2135**

Senator Rich moved that Assembly Bill No. 2135 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 380**—An act making an appropriation to the Department of Agriculture for predatory animal control.

**Motion to Re-refer Assembly Bill No. 380**

Senator DeLap moved that Assembly Bill No. 380 be re-referred to Committee on Finance.

Motion carried.

**MOTION TO STRIKE FROM FILE**

Senator Desmond moved that Senate Bill No. 989 be stricken from the file.

Motion carried.

**RECESS**

At 2.40 p.m., on motion of Senator Seawell the Senate recessed until 2.45 p.m.

**REASSEMBLED**

At 2.45 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**MOTION TO PRINT COMMUNICATION**

Senator Collier moved that the following communication be printed in the Journal.

Motion carried.

SACRAMENTO, CALIF., June 16, 1945

*Honorable Fletcher Bowron, Mayor  
City of Los Angeles  
Los Angeles, Calif.*

DEAR MR. MAYOR: There has just been called to my attention a copy of your radio broadcast over Radio Station KFT on Thursday, May 24, 1945, at 10.15 p.m.

Several of the statements that you made are contrary to fact. The implications necessarily to be derived therefrom are so unfair to the majority of Members of both houses of the Legislature who are sincerely and conscientiously discharging their duties in Sacramento, that, did I not know of your record as an impartial judge, I would believe that your remarks were intended as a demagogic appeal to sectional selfishness. Because of your record as a judicial officer, I have decided that your statements were due to misinformation. For that reason I write to call your attention to the facts as disclosed by the record. You referred to three matters before the State Legislature that you consider of paramount importance to welfare of the people of Los Angeles and to the future of that city. One of these matters was the planning and financing of a system of freeways and limited access highways within your great urban area. Another one of these matters was the formation of a plan to deal with urban redevelopment and removal of "blighted areas" in urban centers.

I was one of the five members of the Interim Committee created by Senate Resolution No. 18 of the fourth Extra Session of 1944 adopted June 13, 1944, on State highway revenues. After several months of diligent work upon the problems covered by this resolution, the committee found and recommended as follows:

#### *"Conclusions*

In view of the information developed by this investigation, the Senate Fact-Finding Committee on State Highway Revenues has reached the following conclusions:

1. The facts definitely establish that present State highway revenues are not now adequate for State highway construction and reconstruction.
2. That additional highway revenues should be provided during the next ten years.
3. While it is apparent that the development of a Limited Access Highway or Freeway System, especially in the congested urban areas of the State is essential to the proper development of our highway system and the metropolitan districts of northern and southern California, it is also apparent that the development of the feeder or farm-to-market roads in the county and State road systems is also essential to the growth and development of our rural area and the development of one should not suffer at the expense of the other.

#### *Recommendations*

The committee recommends:

1. That present revenues be increased to be made available exclusively for State highway construction.
2. That a further and more comprehensive study should be made of the entire problem presented by the conclusions of this committee."

I call your particular attention to the fact that the two authors of this resolution were rural Senators. I also call your particular attention to the fact that four of the five Senators who composed this committee were from rural counties. Certainly this record discloses that the Senators from the small rural districts had not opposed Los Angeles at what it was trying to do. On the contrary, it discloses that months before there was any suggestion of a plan to solve the financing of the freeway problem of your city, Senators from small rural districts had a sympathetic appreciation of your problem. They initiated the study that will ultimately produce the solution. In the work of the committee every one of the four Senators thereon from small rural districts recognized and affirmed by their findings that it is essential to develop a Limited Highway System in the urban areas. But they also recognized that the small rural districts likewise had a problem in the development of a feeder or farm-to-market roads in the county and State roads system. They recognize that the welfare of the urban centers is of concern to rural California. The people who live in these centers are the consumers of the food and fiber we produce. As they prosper we prosper. But likewise we recognize that the welfare of rural California should be of concern to the people of the urban centers. The people who live in the small rural districts consume the manufactured products you produce. We buy from your wholesalers, we do business with your banks, financial institutions and insurance companies. As we prosper you prosper. So we recognize that development of our feeder and farm-to-market roads must not be at the expense of the development of Freeways. Nor should the development of your Freeways be at the expense of the development of our roads. There is no room for selfish sectionalism in the solution of these problems.

With these facts in mind I was the author of the Senate Concurrent Resolution No. 27 of the present session which has been passed by both houses. This resolution provides for the appointment of a joint committee from the two houses to continue the study of the planning and financing of an integrated road system in California including a Freeway or Limited Access Highway System in your great urban area and throughout the State. This resolution further provides for the appointment of an Advisory Council of the representatives of the major state-wide public and private agencies interested. I would be pleased to receive any suggestions from you as to membership upon this council of representatives of your city.

It is intended that a diligent and continuous study be started as soon as the legislative members of the committee have concluded their work at Sacramento and have an opportunity to adjust their affairs at their respective homes. It is desired to press this investigation and study with all possible expedition looking to the formulation of legislation to be proposed, if possible, at a special session of the Legislature within the next year. I have every reason to believe that the Governor will give us his complete cooperation.

In regard to the legislation pending in this session in relation to urban redevelopment and removal of "blighted areas," I desire to call your attention to the fact that Assembly Bill No. 1531 sponsored by the League of Municipalities and the City of Los Angeles is now on the third reading file of the Senate and is there with a favorable recommendation of the Senate Committee on Governmental Efficiency given by a unanimous vote of that committee. All eleven of the members of this committee are representatives of rural districts. Furthermore, I desire to point out that I was

chairman of a subcommittee of three of these members that studied these bills and prepared what we considered to be necessary amendments for the protection of the taxpayers of the communities using the legislation. The representatives of the League of Municipalities and of the City of Los Angeles approved these amendments and openly stated in committee hearings that they believed the amendments greatly strengthened the legislation. None of these facts disclose any opposition on the part of the rural Senators to the desires of Los Angeles unless as legislators we are expected to bow to the wishes of the City Administration of Los Angeles without asking a question or making a constructive criticism. Frankly, Mr. Mayor, in view of our efforts to constructively aid you in the solution of your problems, I do not believe that your radio address could be classified as good public relations work. Rather it smacks of the same arrogance and dictatorial unfairness as was disclosed by the hearings of the Senate Committee on Local Governmental Agencies in February of this year in the treatment of the people of Inyo County by your Bureau of Light and Power.

You also referred to the failure of the proposal to earmark State money for local public works. You refer to Senate Bill No. 625 which was introduced in the Senate by three Senators from small rural districts and provided for the earmarking of \$100,000,000.00 for local public works. This bill was passed by the Senate over the outspoken and sharp opposition of the Governor by a vote of 26 Senators, most of whom come from small rural districts. The difficulties that the bill encountered was in the Assembly where 32 of the 80 Assemblymen come from Los Angeles County. What possible criticism could you make of the Senators from the small rural districts on this matter?

In view of this record I do not believe that you are justified in the conclusion that the rural Senators have consistently opposed Los Angeles. Nor do I believe that your broadcast will aid in securing your desires.

In the near future the Joint Committee on Highway Planning and Financing will be in Los Angeles. At that time I hope to meet you and to discuss your problems with you.

Sincerely yours,

RANDOLPH COLLIER, Second Senatorial District

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1129**—An act to amend Section 18102 of the Government Code, relating to sick leave and workmen's compensation insurance benefits of State officers and employees.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jepsen, Keating, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1290**—An act to amend Section 5101 of the Labor Code, relating to workmen's compensation.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jepsen, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1642**—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of the Department of Social Welfare.



**Motion to Strike From File**

Senator Seawell moved that Assembly Bill No. 1642, be stricken from the file.

Motion carried.

**Assembly Bill No. 2120**—An act to add Section 16055 to the Government Code, relating to claims for the taking of property.

**Motion to Strike From File**

Senator Seawell moved that Assembly Bill No. 2120, be stricken from the file.

Motion carried.

**Assembly Bill No. 918**—An act to amend Sections 10492, 10493, 10494, 10498.5, 10500, 10501, 10971, 10971.4, and 10972 of, to add Section 10498.6 to, and to repeal Section 10241 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1579**—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to positions in the State Board of Equalization.

Bill read third time, and presented by Senator Collier.

**Call of the Senate**

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 2.47 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 2207**—An act to amend Section 11381 of the Government Code, relating to the filing of regulations of State agencies.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1531**—An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

Bill read third time, and presented by Senator Collier.

**Previous Question**

Senator Seawell moved the previous question.

Motion carried.

The question being on final passage of Assembly Bill No. 1531.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.

NOES—Senators Crittenden and Sutton—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 791**—An act to amend Section 13.01 of the Building and Loan Association Act and Section 2 of an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan associations," approved June 12, 1931, relating to the appointment and salary of the Building and Loan Commissioner.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Hatfield, Hulse, Jespersen, Kuchel, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Tenney, Ward, and Weybret—22.

NOES—Senators Biggar, Deuel, Donnelly, Dorsey, Judah, Shelley, and Sutton—7.

Bill ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 380**

Senator DeLap moved that Assembly Bill No. 380 be withdrawn from Committee on Finance for purpose of consideration.

Motion carried.

**CONSIDERATION OF ASSEMBLY BILL NO. 380**

**Assembly Bill No. 380**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 929**—An act to amend Sections 364, 365, and 402 of the Civil Code, relating to shareholders liability for unauthorized dividends and distributions in liquidation.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 54**—Relative to release by the Federal Government of agricultural land in California for settlement by returning veterans.

Resolution read, and presented by Senator Mayo.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.  
NOES—Senator Tenney—1.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 73**—Relative to the publication and distribution of a State Blue Book.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 2197**—An act to amend Section 1090 of the Government Code, relating to official acts and contracts of public officers.

Bill read third time, and presented by Senator Tenney.

**Motion to Re-refer Assembly Bill No. 2197**

Senator Collier moved that Assembly Bill No. 2197 be re-referred to Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Desmond, Dorsey, Judah, Keating, Kuchel, Quinn, and Rich—12.

NOES—Senators Brown, Burns, Carter, Crittenden, Deuel, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Mayo, McCormack, Mixter, Parkman, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—20.

Further Consideration of Assembly Bill No. 2197  
Previous Question

Senator Collier moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 2197.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Burns, Crittenden, Deuel, Dillinger, Hatfield, Hulse, Mayo, McCormack, Mixter, Parkman, Salsman, Shelley, Sutton, Tenney, and Weybret—16.

NOES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Jespersen, Judah, Keating, Kuchel, McBride, Quinn, Rich, Seawell, Slater, and Ward—19.

**Assembly Concurrent Resolution No. 75**—Relating to the feasibility of acquiring Donner Lake for a State Park.

Resolution read, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 76**—Relative to extending birthday greetings to Fred B. Wood.

Resolution read, and presented by Senator DeLap.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

**Senate Resolution No. 168**

Relative to the Senate Committee on Interstate Cooperation, its powers and duties, and supplementing Senate Resolution No. 147.

*Resolved by the Senate of the State of California*, That the Senate Committee on Interstate Cooperation, created by Senate Resolution No. 147, and any subcommittee thereof when thereunto authorized by the committee, may meet and act without as well as within the State of California, and is hereby authorized to leave the State of California in the performance of its duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for and was granted unanimous consent to have the following report of the Senate Interim Committee on Unemployment Insurance printed in the Journal.

## FINAL REPORT OF THE SENATE INTERIM COMMITTEE ON UNEMPLOYMENT INSURANCE

*To the California Senate:*

Your Interim Committee on Unemployment Insurance takes this occasion to present a final statement with respect to its activities. During the course of its investigation, the following reports have been submitted:

June 15, 1944—Preliminary Report of the Senate Interim Committee on Unemployment Insurance (31 pages)

April 1, 1945—Report of the Senate Interim Committee on Unemployment Insurance to the Fifty-Sixth California Legislature (159 pages)

The report of April 1, 1945, which was printed in the Senate Journal of May 7, 1945, contained certain recommended changes in the Unemployment Insurance System of this State. In support of these recommendations considerable factual data was presented to show the urgency and necessity of the legislative changes. All pertinent facts surrounding the employment and unemployment conditions in this State as well as relevant data concerning the Unemployment Insurance System in California and in other States was compiled in digest form.

As its final statement to this Session of the Legislature, your committee wishes to point out that the trend of employment conditions in manufacturing in California during the most recent months is continuing to decline and applications for unemployment insurance benefits are increasing. The future employment conditions in this State, as pointed out in the two reports previously submitted, do not appear favorable unless a large number of new job opportunities are created and made available to the workers of California.

The members of the committee regret that the Interim Committee was not continued during the next biennium. Not only should employment conditions be carefully followed and scrutinized but the administration of the Unemployment Insurance Act, which has now accumulated a fund of over seven hundred million dollars, merits legislative inquiry and investigation. The evidence before the committee clearly reveals that the commission and its activities and practices in the application and interpretation of the Unemployment Insurance Act requires close observation, particularly in the light of the increase in benefit payments and the reduction in tax rates.

It is the sincere hope of every member of your committee that the study made and the reports compiled and submitted may serve to intelligently confront the tremendous employment and unemployment insurance problems which lie ahead and assist future Legislatures in their approach to these problems.

The entire committee desires to extend its thanks to all of those who cooperated with it in its work and to the members of the Legislature who so patiently considered its report and passed upon its recommendations.

Respectfully submitted.

JOHN F. SHELLEY, Chairman  
H. E. DILLINGER  
HAROLD J. POWERS  
H. R. JUDAH  
R. R. CUNNINGHAM

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Concurrent Resolution No. 51**—Relative to a Fact-Finding Committee on Agriculture and Livestock Problems.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Joint Resolution No. 55**—Relative to investigation of conditions and making needed corrections at veterans hospitals.

Resolution read, and presented by Senator Breed.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse,



Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.  
The roll was called.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.50 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1579 refused passage by the following vote:

AYES—Senators Burns, Collier, Desmond, Deuel, Hatfield, Hulse, Mayo, McBride, Parkman, Powers, Seawell, Sutton, Tenney, and Ward—14.

NOES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Jespersen, Keating, McCormack, Mixter, Quinn, Rich, Salsman, Shelley, Slater, and Weybret—19.

**Assembly Bill No. 2170**—An act to amend Section 105 of the Vehicle Code, relating to the Director of Motor Vehicles.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Sutton, Tenney, Ward, and Weybret—24.

NOES—Senators Biggar, Deuel, Donnelly, Judah, and Shelley—5.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1915**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and of the district courts of appeal.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—Senators Deuel, Dillinger, Donnelly, and Mayo—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2199**—An act to amend Section 41.5 of the Unemployment Insurance Act relating to the transfer of reserve accounts.

Bill read third time, and presented by Senator Ward.

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 2199.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Brown, Kuchel, Mixter, and Ward—5.

NOES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, and Tenney—27.

**Assembly Bill No. 391**—An act to make an appropriation to The Regents of the University of California for the establishment and maintenance of schools of industrial relations.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—31.

NOES—Senator Tenney—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1156**—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 601**—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health, and making an appropriation.

Bill read third time, and presented by Senator Rich.

#### Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the final passage of Assembly Bill No. 601.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Ward—30.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2231**—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to the salary of the State Liquor Administrator.

Bill read third time, and presented by Senator Tenney.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion lost.

Assembly Bill No. 2231 refused passage by the following vote:

**AYES**—Senators Breed, Burns, Collier, Crittenden, Dorsey, Hatfield, Hulse, Kuchel, Mayo, McBride, Parkman, Seawell, Sutton, Tenney, and Ward—15.

**NOES**—Senators Biggar, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Judah, McCormack, Mixter, Quinn, Rich, Salsman, Shelley, and Slater—15.

**MOTION TO STRIKE FROM FILE**

Senator Seawell moved that all items on the inactive file be stricken.

Motion carried.

**RESOLUTIONS**

The following resolutions were offered:

By Senator Weybret:

**Senate Resolution No. 169**

*Resolved*, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Weybret adopted.

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators Weybret, Tenney, and Kuchel.

**Senate Resolution No. 170**

By Senator Mixter:

*Resolved*, That a Committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Mixter adopted.

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators Mixter, Hatfield, and Rich.

**MESSAGES FROM THE ASSEMBLY****ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1592**—An act to amend Sections 3341 of the Civil Code, relating to animals.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

**ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 918  
 Assembly Bill No. 791  
 Assembly Bill No. 380  
 Assembly Bill No. 928  
 Assembly Bill No. 391

Assembly Bill No. 1156  
 Assembly Bill No. 1599  
 Assembly Bill No. 601  
 Assembly Bill No. 2170  
 Assembly Bill No. 1915

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 15, 1945, laid on the table:

Senate Bill No. 852

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By H. F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 351  
 Senate Bill No. 849

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the following bills died on the Assembly file:

Senate Bill No. 1275  
 Senate Constitutional Amendment No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 3  
 Senate Bill No. 20  
 Senate Bill No. 23  
 Senate Bill No. 35  
 Senate Bill No. 61  
 Senate Bill No. 83  
 Senate Bill No. 90  
 Senate Bill No. 92  
 Senate Bill No. 103  
 Senate Bill No. 149  
 Senate Bill No. 153  
 Senate Bill No. 157  
 Senate Bill No. 169  
 Senate Bill No. 227  
 Senate Bill No. 228  
 Senate Bill No. 229  
 Senate Bill No. 230  
 Senate Bill No. 231

Senate Bill No. 264  
 Senate Bill No. 279  
 Senate Bill No. 281  
 Senate Bill No. 298  
 Senate Bill No. 302  
 Senate Bill No. 326  
 Senate Bill No. 328  
 Senate Bill No. 347  
 Senate Bill No. 349  
 Senate Bill No. 381  
 Senate Bill No. 416  
 Senate Bill No. 420  
 Senate Bill No. 427  
 Senate Bill No. 455  
 Senate Bill No. 457  
 Senate Bill No. 461  
 Senate Bill No. 587  
 Senate Bill No. 604

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By FRED J. DESCH, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 611  
Senate Bill No. 622  
Senate Bill No. 627  
Senate Bill No. 645  
Senate Bill No. 674  
Senate Bill No. 696  
Senate Bill No. 697  
Senate Bill No. 698  
Senate Bill No. 798  
Senate Bill No. 804  
Senate Bill No. 805  
Senate Bill No. 809  
Senate Bill No. 827  
Senate Bill No. 839  
Senate Bill No. 842  
Senate Bill No. 848  
Senate Bill No. 860  
Senate Bill No. 869  
Senate Bill No. 870  
Senate Bill No. 883

Senate Bill No. 900  
Senate Bill No. 901  
Senate Bill No. 955  
Senate Bill No. 992  
Senate Bill No. 1006  
Senate Bill No. 1008  
Senate Bill No. 1030  
Senate Bill No. 1039  
Senate Bill No. 1053  
Senate Bill No. 1091  
Senate Bill No. 1187  
Senate Bill No. 1209  
Senate Bill No. 1245  
Senate Bill No. 1277  
Senate Bill No. 1306  
Senate Joint Resolution No. 18  
Senate Joint Resolution No. 30  
Senate Concurrent Resolution No. 33  
Senate Concurrent Resolution No. 58  
Senate Concurrent Resolution No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the following bills were stricken from the Assembly file:

Senate Bill No. 44  
Senate Bill No. 760  
Senate Bill No. 333  
Senate Bill No. 1018

Senate Bill No. 1019  
Senate Bill No. 1023  
Senate Concurrent Resolution No. 65

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the following bills died on the Assembly inactive file:

Senate Bill No. 718  
Senate Bill No. 802

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By FRED J. DESCH, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 277**—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation;

**Senate Bill No. 1182**—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce;

**Senate Bill No. 1197**—An act to provide revenues to meet appropriations for the support of the Department of Motor Vehicles, by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof, and to amend Sections 776, 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 5**—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Contra Costa, Glenn, Inyo, Kings, Placer, San Benito and Tuolumne counties, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor;

**Senate Bill No. 154**—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals, and making an appropriation therefor;

**Senate Bill No. 158**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear;

**Senate Bill No. 196**—An act making an appropriation to the Department of Professional and Vocational Standards;

**Senate Bill No. 265**—An act to authorize the Director of Finance to sell and convey certain real property, and making an appropriation of a portion of the proceeds thereof;

**Senate Bill No. 307**—An act to provide for the acquisition of the site of the home of Louis Rubidoux in West Riverside in the County of Riverside as part of the State Park System, and making an appropriation;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 362**—An act to amend Section 1272, and to repeal Sections 1273 and 1274 of the Fish and Game Code, relating to deer;

**Senate Bill No. 414**—An act making an appropriation for the purpose of enforcing the provisions of the alien land laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder;

**Senate Bill No. 444**—An act to add Section 92.8 to the Agricultural Code, relating to district agricultural associations;

**Senate Bill No. 456**—An act to amend Section 12751 of the Education Code, relating to the suspension of credentials, life diplomas and other documents issued by the State Board of Education;

**Senate Bill No. 480**—An act to add Article 4.5 to Chapter 5 of Division 9 of the Education Code, relating to the exchange of property by school districts of the Public School System;

**Senate Bill No. 511**—An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 533**—An act to amend Section 73700 of the Political Code, relating to salaries of judges of the Superior Court in and for the County of San Mateo;

**Senate Bill No. 541**—An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol;

**Senate Bill No. 557**—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, providing for the handling and disposition of such money, and providing that this act shall take effect immediately;

**Senate Bill No. 610**—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor;

**Senate Bill No. 612**—An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor;

**Senate Bill No. 615**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to excluded employments under said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 629**—An act to amend Section 19432 of the Education Code, relating to civic centers;

**Senate Bill No. 660**—An act to add Section 126 to the Government Code, relating to the acquisition of land in this State by the United States and the consent of the Legislature to such acquisition upon the conditions and subject to the reservations in this act prescribed;

**Senate Bill No. 803**—An act to provide for basic topographic mapping of the State of California and making an appropriation therefor;

**Senate Bill No. 850**—An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction, and making an appropriation;

**Senate Bill No. 856**—An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee;

**Senate Bill No. 926**—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 934**—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County;

**Senate Bill No. 944**—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor;

**Senate Bill No. 953**—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200);

**Senate Bill No. 995**—An act to amend Sections 5016.6 and 5017.3 of the Business and Professions Code, relating to educational and other requirements for a certified public accountant;

**Senate Bill No. 1015**—An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children;

**Senate Bill No. 1020**—An act relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for two State cerebral palsy schools and making an appropriation therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1055**—An act to add Section 254.5 and to amend Section 255 of the Revenue and Taxation Code, relating to exemptions from taxation;

**Senate Bill No. 1092**—An act to amend Section 11 and Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder;

**Senate Bill No. 1246**—An act to amend Sections 4271 and 4277 of the Political Code, relating to compensation for public service;

**Senate Bill No. 1256**—An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor;

**Senate Bill No. 1296**—An act making an appropriation for the support of the State Water Resources Board;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 19**—An act making a transfer of money from the General Fund to the Postwar Employment Reserve;

**Senate Bill No. 25**—An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation;

**Senate Bill No. 48**—An act making an appropriation to the Department of Agriculture for predatory animal control;

**Senate Bill No. 119**—An act to amend Sections 4075 and 4076 of, and to add Section 4076.5 to, the Political Code, relating to claims against counties;

**Senate Bill No. 172**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor;



**Senate Bill No. 173**—An act to amend Section 20332 of the Health and Safety Code, relating to revenues and expenditures of police protection districts;

**Senate Bill No. 174**—An act to amend Section 14075 of, and to add Sections 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 198**—An act to create a medical facility under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing Sections 2680, 2681 and 2682 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a psychopathic hospital for prisoners;

**Senate Bill No. 415**—An act to add Section 8.5 to an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, relating to statutes of limitation, and declaring the effect of this law;

**Senate Bill No. 436**—An act making an appropriation to the emergency fund specified in Item 275 of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor;

**Senate Bill No. 551**—An act making an appropriation for the purchase of land for the San Jose State College of the Public School System;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 558**—An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on probation committee;

**Senate Bill No. 630**—An act to add Article 6, comprising Sections 5070 to 5077, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an advisory committee for that purpose; and making an appropriation therefor;

**Senate Bill No. 695**—An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

**Senate Bill No. 747**—An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System;

**Senate Bill No. 800**—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 38, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33c, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, and 47.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately;

**Senate Bill No. 1021**—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1022**—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately;



**Senate Bill No. 1031**—An act making an appropriation for the acquisition of real property, and authorizing the exchange of real property for Chico State College;

**Senate Bill No. 1033**—An act making an appropriation to the Division of Forestry for making surveys and appraisals of lands;

**Senate Bill No. 1213**—An act to amend Section 737hh of the Political Code, relating to the salaries of the judges of the Superior Court in the County of Sacramento;

**Senate Bill No. 1262**—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation;

**Senate Bill No. 1284**—An act to add Section 751.1 to the Code of Civil Procedure, relating to actions to quiet title to real property;

**Senate Bill No. 1304**—An act to validate certain acts relating to the acquisition and disposition of property securing any defaulted payment of any installment on any assessment or reassessment under the Improvement Bond Act of 1915;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 9**—An act to amend Sections 17053.5 and 19202 of, and to add Section 19203.5 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately;

**Senate Bill No. 54**—An act to add Sections 20393 and 20464 to the Government Code, relating to the State Employees' Retirement System, and providing for the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote;

**Senate Bill No. 91**—An act to amend Sections 80 and 92 of the Agricultural Code, relating to agricultural districts and the basis of allocation to county, district or combined county and district fairs;

**Senate Bill No. 268**—An act to add Article 5A, comprising Sections 933 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held the month of November, 1946;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 271**—An act to amend Sections 891, 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 364**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System;

**Senate Bill No. 378**—An act to add Section 1348 to the Fish and Game Code, relating to tule elk;

**Senate Bill No. 409**—An act to amend Section 2206 of the Education Code, relating to gifts, donations, bequests and devises to school districts;

**Senate Bill No. 453**—An act relating to salaries and compensation of State officers and State employees, and making an appropriation, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 458**—An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records;

**Senate Bill No. 479**—An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 521**—An act to amend Section 4041.29 of the Political Code, relating to jurisdiction and powers of boards of supervisors;

**Senate Bill No. 546**—An act reappropriating to the Department of Institutions for the purchase of land for Agnews State Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943;

**Senate Bill No. 555**—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation;

**Senate Bill No. 564**—An act to amend Section 4 of the Industrial Loan Act, relating to loans, charges and the establishment of offices and places of business;

**Senate Bill No. 795**—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds;

**Senate Bill No. 820**—An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code; to amend the heading of Article 3 of Chapter 13 of Division 2 of said code; to amend Sections 5151, 6771, 9176, 11382, 16005, and 16482 of said code, to renumber Section 20941 of said code; to add Sections 6997 and 20655 to said code; to repeal Section 5341 of said code and to add Article 1.5 to Chapter 13 of Division 3 of said code, all relating to the Public School System;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 855**—An act to amend Section 18023 of the Government Code, relating to office and working hours and the payment of overtime compensation;

**Senate Bill No. 1111**—An act to amend Sections 23, 24, and 20 of the Unemployment Insurance Act, relating to funds in the State Treasury;

**Senate Bill No. 1257**—An act to create a flood control district to be called San Diego County Flood Control District; to provide for investigations by the district and other local public agencies furnishing, or having the legal power to furnish, flood control protection or water for beneficial use in any watershed, any part of which is within the County of San Diego, pertaining to flood protection and water service in any such watershed.

**Senate Bill No. 1297**—An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1302**—An act to repeal Part 9 of Division 3 of Title 2 of the Government Code and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 81**—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Inyo;

**Senate Bill No. 139**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescrib-

ing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately;

**Senate Bill No. 272**—An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 283**—An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 324**—An act to amend Section 12201 of, and to add Sections 12103.5 and 12515 to, the Business and Professions Code, relating to weights and measures;

**Senate Bill No. 449**—An act to amend and renumber Sections 629, 630 and 631, of the Fish and Game Code, relating to the closing of lakes or streams to fishing;

**Senate Bill No. 793**—An act to add Section 749.5 to the Code of Civil Procedure, relating to determination of adverse claims to real property;

**Senate Bill No. 886**—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 889**—An act to repeal an act entitled, "An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately," approved May 27, 1943, making an appropriation, and to declare the urgency hereof;

**Senate Bill No. 1024**—An act to amend Sections 105, 106, 113, 116, 123, 124, and 126 of the Vehicle Code, and to repeal Sections 110 and 112 thereof, relating to the organization of the Department of Motor Vehicles;

**Senate Bill No. 1153**—An act to add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to the form of bonds;

**Senate Bill No. 1211**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class;

**Senate Bill No. 1228**—An act to repeal Sections 13394, 13395, 13396, 13397, 13398, 13399 and 13400, of the Government Code and to add thereto Section 13394, relating to State purchases and the Department of Finance;

**Senate Bill No. 1276**—An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1292**—An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law;

**Senate Bill No. 1305**—An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court;



**Senate Bill No. 1307**—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 28**—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to a system of unemployment reserves;

**Senate Bill No. 254**—An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits;

**Senate Bill No. 585**—An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to clinical laboratory fees, providing the reversion thereof, and making an appropriation;

**Senate Bill No. 588**—An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof, and making an appropriation;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 589**—An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds, providing the reversion thereof, and making an appropriation to the Department of Public Health;

**Senate Bill No. 745**—An act to amend Section 302 of the Streets and Highways Code, relating to the State Highway System;

**Senate Bill No. 786**—An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board;

**Senate Bill No. 986**—An act to add Chapter 10.5 to Title 9 of Part 1 of the Penal Code, relating to horse racing and touting and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 1044**—An act to amend Section 12291 of the Education Code, relating to health and development certificates;

**Senate Bill No. 1084**—An act to amend Sections 67, 68 and 80 of the Unemployment Insurance Act, relating to unemployment insurance and the limitation on benefit appeals thereunder;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1176**—An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations;

**Senate Bill No. 1295**—An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 85**—An act to amend Section 4750 and to add Sections 4751, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof;

**Senate Bill No. 365**—An act to amend Sections 5006 and 5922 of the Education Code, relating to school districts;

**Senate Bill No. 366**—An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees;

**Senate Bill No. 380**—An act to amend Section 6362 of the Revenue and Taxation Code, relating to retail sales and use taxes;

**Senate Bill No. 454**—An act to repeal Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and to add a new Article 3, comprising Sections 13140 to 13144, inclusive, to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to the refund by State agencies of fees;

**Senate Bill No. 523**—An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 549**—An act to amend Sections 14305, 14372, 14379, 14474, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14636, 14637, 14640, 14680, and 14681 of, and to add Sections 14402, 14449.1, 14479.1, 14479.2, and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made;

**Senate Bill No. 838**—An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act;

**Senate Bill No. 1003**—An act to add Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 22041, of the Education Code, and to amend Section 9791 of the Government Code, relating to the distribution of State publications;

**Senate Bill No. 1102**—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder;

**Senate Bill No. 1188**—An act to add Section 9105 to the Government Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein;

**Senate Bill No. 1287**—An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the eleven western States and to provide for the distribution and utilization thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1288**—An act to amend Section 1295 of the Penal Code, relating to bail and deposits instead of bail;

**Senate Bill No. 1301**—An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1186**—An act to add Chapter 9, comprising Sections 4881 to 4883, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands;

**Senate Bill No. 1279**—An act to amend Section 21 of the Agricultural Code, Sections 151 and 10055 of the Business and Professions Code, Sections 10204, 13002, and

14002 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, Section 501 of the Public Resources Code, Sections 130 and 152 of the Welfare and Institutions Code, Section 3700 of the Political Code, Section 10 of the Public Utilities Act, and Section 22003 of the Education Code, Sections 76 and 77 of the Unemployment Insurance Act, relating to State officers and employees, their qualifications and salaries;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 19**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration;

**Senate Constitutional Amendment No. 22**—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution, adding Section 1b thereto, relative to the amendment or repeal of initiative measures adopted by the people;

**Senate Concurrent Resolution No. 66**—Relative to the creation of a Joint Fact-Finding Committee on Un-American activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation;

**Senate Concurrent Resolution No. 68**—Relative to creating an Interim Committee on Remodeling the State Capitol;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 51**—Relative to a fact-finding committee on agriculture and livestock problems;

**Senate Concurrent Resolution No. 62**—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 50**—Relative to the timing and correlation of public works and public services projects with private employment, and requesting the State Reconstruction and Reemployment Commission to engage upon a continuing study of such subject and to furnish to public agencies information and advice in respect thereto;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Constitutional Amendment No. 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 6 of Article IX and Section 15 of Article XIII thereof, relating to the support of the Public School System;

**Senate Constitutional Amendment No. 16**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 3.3 to Article IX of said Constitution, relating to county boards of education;

**Senate Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920;

**Senate Joint Resolution No. 32**—Relative to memorializing the Congress of the United States to investigate through its appropriate committee the proposed construction by the War Department of an ammunition loading facility in the County of Marin and to demand of the War Department that activities in connection with the said proposal be discontinued pending such investigation;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 21**—Relative to memorializing Congress to support H. R. 2867 and S. 868, authorizing annual payments to States, for the benefit of their local political subdivisions, based on the fair value of the National-forest lands situated therein;

**Senate Concurrent Resolution No. 27**—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission;

**Senate Concurrent Resolution No. 40**—Relative to the creation of a Joint Committee on Insurance Regulation;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixteenth day of June, 1945, at 2 p.m.

SEAWELL, Chairman

#### REPORTS OF SPECIAL COMMITTEES

Senators Mixter, Hatfield, and Rich appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die in accordance with Senate Concurrent Resolution No. 53, reported that they had performed their duty.

Also:

Senators Weybret, Tenney, and Kuchel appointed to inform the Assembly of the readiness of the Senate to adjourn sine die in accordance with Senate Concurrent Resolution No. 53, reported that they had performed their duty.

#### MESSAGES FROM THE ASSEMBLY

At 2.58 a committee from the Assembly, consisting of Assemblymen Dekker, Stream, and Berry appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn sine die.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 40	Senate Bill No. 616
Senate Bill No. 41	Senate Bill No. 658
Senate Bill No. 315	Senate Bill No. 659
Senate Bill No. 386	Senate Bill No. 907
Senate Bill No. 387	Senate Bill No. 914
Senate Bill No. 403	Senate Bill No. 937
Senate Bill No. 443	Senate Bill No. 1057
Senate Bill No. 534	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CRITTENDEN, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 694

Assembly Bill No. 1208

Assembly Bill No. 1109

Assembly Bill No. 1912

Assembly Joint Resolution No. 28

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CRITTENDEN, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 24

Senate Bill No. 949

Senate Bill No. 100

Senate Bill No. 1004

Senate Bill No. 175

Senate Bill No. 1045

Senate Bill No. 235

Senate Bill No. 1243

Senate Bill No. 241

Senate Bill No. 1047

Senate Bill No. 242

Assembly Bill No. 107

Senate Bill No. 484

Assembly Bill No. 113

Senate Bill No. 544

Assembly Bill No. 643

Senate Bill No. 652

Assembly Bill No. 781

Senate Bill No. 761

Assembly Bill No. 2155

Senate Bill No. 936

Assembly Bill No. 2174

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DeLAP, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 368

Senate Bill No. 893

Senate Bill No. 481

Senate Bill No. 895

Senate Bill No. 552

Senate Bill No. 947

Senate Bill No. 553

Senate Bill No. 1041

Senate Bill No. 583

Senate Bill No. 1049

Senate Bill No. 626

Senate Bill No. 1056

Senate Bill No. 632

Senate Bill No. 1070

Senate Bill No. 854

Senate Bill No. 1063

Senate Bill No. 862

Senate Bill No. 1250

Senate Constitutional Amendment No. 12

Senate Constitutional Amendment No. 19

Assembly Bill No. 738

Assembly Bill No. 1257

Assembly Bill No. 1058

Assembly Bill No. 1551

Assembly Bill No. 1131

Assembly Bill No. 1555

Assembly Bill No. 1243

Assembly Bill No. 1566

Assembly Bill No. 1246

Assembly Bill No. 1903

Assembly Bill No. 1247

Assembly Bill No. 2168

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SLATER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.



**Committee on Elections**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 47	Senate Bill No. 945
Senate Bill No. 282	Senate Bill No. 946
Senate Bill No. 341	Senate Bill No. 969
Senate Bill No. 384	Senate Bill No. 971
Senate Bill No. 385	Senate Bill No. 979
Senate Bill No. 573	Senate Bill No. 1002
Senate Bill No. 575	Senate Joint Resolution No. 1
Senate Bill No. 631	Assembly Bill No. 401
Senate Bill No. 669	Assembly Bill No. 2210

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BIGGAR, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 73	Senate Bill No. 475
Senate Bill No. 77	Senate Bill No. 476
Senate Bill No. 141	Assembly Bill No. 231
Senate Bill No. 142	Assembly Bill No. 600
Senate Bill No. 148	Assembly Bill No. 646
Senate Bill No. 197	Assembly Bill No. 828
Senate Bill No. 294	Assembly Bill No. 881
Senate Bill No. 329	Assembly Bill No. 1015
Senate Bill No. 346	Assembly Bill No. 1035
Senate Bill No. 348	Assembly Bill No. 1053
Senate Bill No. 357	Assembly Bill No. 1104
Senate Bill No. 429	Assembly Bill No. 1155
Senate Bill No. 435	Assembly Bill No. 1565
Senate Bill No. 474	Assembly Bill No. 2135

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 512	Senate Bill No. 1233
Senate Bill No. 513	Senate Bill No. 1263
Senate Bill No. 537	Senate Bill No. 1282
Senate Bill No. 601	Assembly Bill No. 1229
Senate Bill No. 642	Assembly Bill No. 1304
Senate Bill No. 650	Assembly Bill No. 1598
Senate Bill No. 681	Assembly Bill No. 1951
Senate Bill No. 704	Assembly Bill No. 2083
Senate Bill No. 753	Assembly Bill No. 2138
Senate Bill No. 930	Assembly Bill No. 2186
Senate Bill No. 932	Assembly Bill No. 2214
Senate Bill No. 1042	Assembly Bill No. 2224
Senate Bill No. 1169	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 29	Senate Bill No. 470
Senate Bill No. 124	Senate Bill No. 471
Senate Bill No. 125	Senate Bill No. 506
Senate Bill No. 128	Senate Bill No. 507
Senate Bill No. 129	Senate Bill No. 508
Senate Bill No. 130	Senate Bill No. 561
Senate Bill No. 321	Senate Bill No. 562
Senate Bill No. 334	Senate Bill No. 563
Senate Bill No. 423	Assembly Bill No. 485
Senate Bill No. 425	Assembly Bill No. 2046

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McBRIDE, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 565	Senate Bill No. 846
Senate Bill No. 566	Senate Bill No. 885
Senate Bill No. 567	Senate Bill No. 950
Senate Bill No. 568	Senate Bill No. 970
Senate Bill No. 569	Senate Bill No. 1061
Senate Bill No. 570	Senate Bill No. 1071
Senate Bill No. 571	Senate Bill No. 1172
Senate Bill No. 787	Senate Bill No. 1174
Senate Bill No. 806	Senate Bill No. 1205

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McBRIDE, Chairman

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 963	Assembly Bill No. 967
Assembly Bill No. 966	Assembly Bill No. 2009

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Fish and Game**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 236	Senate Bill No. 1034
Senate Bill No. 263	Senate Bill No. 1247
Senate Bill No. 296	Senate Bill No. 1248
Senate Bill No. 353	Assembly Bill No. 48
Senate Bill No. 361	Assembly Bill No. 473
Senate Bill No. 412	Assembly Bill No. 517
Senate Bill No. 473	Assembly Bill No. 692
Senate Bill No. 539	Assembly Bill No. 1051
Senate Bill No. 584	Assembly Bill No. 1237
Senate Bill No. 743	Assembly Bill No. 1418
Senate Bill No. 879	Assembly Bill No. 1730
Senate Bill No. 931	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

GORDON, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 52	Assembly Bill No. 173
Senate Bill No. 53	Assembly Bill No. 564
Senate Bill No. 56	Assembly Bill No. 565
Senate Bill No. 58	Assembly Bill No. 662
Senate Bill No. 59	Assembly Bill No. 707
Senate Bill No. 60	Assembly Bill No. 718
Senate Bill No. 75	Assembly Bill No. 868
Senate Bill No. 76	Assembly Bill No. 997
Senate Bill No. 108	Assembly Bill No. 1146
Senate Bill No. 159	Assembly Bill No. 1193
Senate Bill No. 182	Assembly Bill No. 1227
Senate Bill No. 207	Assembly Bill No. 1286
Senate Bill No. 208	Assembly Bill No. 1432
Senate Bill No. 209	Assembly Bill No. 1477
Senate Bill No. 210	Assembly Bill No. 1528
Senate Bill No. 211	Assembly Bill No. 1850
Senate Bill No. 214	Assembly Joint Resolution No. 50
Assembly Bill No. 72	Assembly Joint Resolution No. 51

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1167	Senate Bill No. 1225
Senate Bill No. 1168	Senate Bill No. 1229
Senate Bill No. 1180	Senate Bill No. 1269
Senate Bill No. 1216	Senate Bill No. 1303
Senate Bill No. 1224	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 825	Senate Bill No. 872
Senate Bill No. 841	Senate Bill No. 874
Senate Bill No. 845	Senate Bill No. 881
Senate Bill No. 853	Senate Bill No. 977
Senate Bill No. 861	Senate Bill No. 978
Senate Bill No. 863	Senate Bill No. 1005
Senate Bill No. 864	Senate Bill No. 1011
Senate Bill No. 868	Senate Bill No. 1029
Senate Bill No. 871	
Senate Constitutional Amendment No. 10	
Senate Constitutional Amendment No. 20	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1054  
Senate Bill No. 1060  
Senate Bill No. 1066  
Senate Bill No. 1152  
Senate Bill No. 1154  
Senate Bill No. 1155  
Senate Bill No. 1156  
Senate Bill No. 1157  
Senate Bill No. 1158

Senate Bill No. 1159  
Senate Bill No. 1160  
Senate Bill No. 1161  
Senate Bill No. 1162  
Senate Bill No. 1163  
Senate Bill No. 1164  
Senate Bill No. 1165  
Senate Bill No. 1166

Senate Concurrent Resolution No. 64

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 233  
Senate Bill No. 234  
Senate Bill No. 255  
Senate Bill No. 256  
Senate Bill No. 280  
Senate Bill No. 322  
Senate Bill No. 371  
Senate Bill No. 448  
Senate Bill No. 500  
Senate Bill No. 550  
Senate Bill No. 603

Senate Bill No. 628  
Senate Bill No. 646  
Senate Bill No. 668  
Senate Bill No. 784  
Senate Bill No. 790  
Senate Bill No. 794  
Assembly Bill No. 2136  
Assembly Bill No. 2137  
Assembly Bill No. 2146  
Assembly Bill No. 2200

Senate Constitutional Amendment No. 1  
Senate Constitutional Amendment No. 2

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

#### Committee on Institutions

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Institutions, to which were referred:

Senate Bill No. 289  
Senate Bill No. 290  
Senate Bill No. 644

Senate Bill No. 865  
Assembly Bill No. 1192  
Assembly Bill No. 1206

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BREED, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

#### Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 212  
Senate Bill No. 213  
Senate Bill No. 596  
Senate Bill No. 1009  
Senate Bill No. 1048  
Senate Bill No. 1058  
Senate Bill No. 1239  
Senate Bill No. 1240

Senate Bill No. 1253  
Assembly Bill No. 303  
Assembly Bill No. 871  
Assembly Bill No. 873  
Assembly Bill No. 1865  
Assembly Bill No. 1974  
Assembly Joint Resolution No. 12

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SHELLEY, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.



**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 49	Senate Bill No. 967
Senate Bill No. 50	Senate Bill No. 985
Senate Bill No. 94	Senate Bill No. 987
Senate Bill No. 96	Senate Bill No. 993
Senate Bill No. 97	Senate Bill No. 996
Senate Bill No. 98	Senate Bill No. 998
Senate Bill No. 107	Senate Bill No. 1074
Senate Bill No. 143	Senate Bill No. 1179
Senate Bill No. 199	Senate Bill No. 1196
Senate Bill No. 225	Senate Bill No. 1206
Senate Bill No. 226	Senate Bill No. 1215
Senate Bill No. 232	Senate Bill No. 1234
Senate Bill No. 240	Senate Bill No. 1235
Senate Bill No. 253	Senate Bill No. 1237
Senate Bill No. 355	Senate Bill No. 1252
Senate Bill No. 373	Senate Bill No. 1271
Senate Bill No. 438	Senate Bill No. 1286
Senate Bill No. 483	Senate Bill No. 1293
Senate Bill No. 529	Senate Bill No. 1298
Senate Bill No. 605	Assembly Bill No. 399
Senate Bill No. 619	Assembly Bill No. 409
Senate Bill No. 623	Assembly Bill No. 414
Senate Bill No. 643	Assembly Bill No. 604
Senate Bill No. 657	Assembly Bill No. 932
Senate Bill No. 754	Assembly Bill No. 953
Senate Bill No. 789	Assembly Bill No. 996
Senate Bill No. 814	Assembly Bill No. 1100
Senate Bill No. 823	Assembly Bill No. 1167
Senate Bill No. 826	Assembly Bill No. 1170
Senate Bill No. 829	Assembly Bill No. 1171
Senate Bill No. 857	Assembly Bill No. 1359
Senate Bill No. 887	Assembly Bill No. 1697
Senate Bill No. 927	Assembly Bill No. 1700
Senate Bill No. 942	Assembly Bill No. 1746
Senate Bill No. 954	Assembly Bill No. 1749
Senate Bill No. 956	Assembly Bill No. 328
Senate Concurrent Resolution No. 35	Assembly Joint Resolution No. 15
Senate Constitutional Amendment No. 3	
Senate Constitutional Amendment No. 5	
Senate Constitutional Amendment No. 14	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

KEATING, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 9	Assembly Bill No. 1790
Assembly Bill No. 39	Assembly Bill No. 1760
Assembly Bill No. 40	Assembly Bill No. 463
Assembly Bill No. 41	Assembly Bill No. 74
Assembly Bill No. 42	Assembly Bill No. 88
Assembly Bill No. 101	Assembly Bill No. 474
Assembly Bill No. 172	Assembly Bill No. 2185
Assembly Bill No. 1713	Assembly Bill No. 413

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 10	Senate Bill No. 113
Senate Bill No. 21	Senate Bill No. 114
Senate Bill No. 26	Senate Bill No. 135
Senate Bill No. 27	Senate Bill No. 150
Senate Bill No. 30	Senate Bill No. 152
Senate Bill No. 36	Senate Bill No. 165
Senate Bill No. 38	Senate Bill No. 178
Senate Bill No. 79	Senate Bill No. 192
Senate Bill No. 80	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Concurrent Resolution No. 22

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 194	Senate Bill No. 426
Senate Bill No. 195	Senate Bill No. 447
Senate Bill No. 243	Senate Bill No. 467
Senate Bill No. 275	Senate Bill No. 477
Senate Bill No. 285	Senate Bill No. 531
Senate Bill No. 299	Senate Bill No. 532
Senate Bill No. 320	Senate Bill No. 594
Senate Bill No. 338	Senate Bill No. 595
Senate Bill No. 417	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 606	Senate Bill No. 994
Senate Bill No. 797	Senate Bill No. 1000
Senate Bill No. 851	Senate Bill No. 1050
Senate Bill No. 876	Senate Bill No. 1051
Senate Bill No. 884	Senate Bill No. 1210
Senate Bill No. 923	Senate Bill No. 1231
Senate Bill No. 924	Senate Bill No. 1232
Senate Bill No. 928	Senate Bill No. 1268
Senate Bill No. 990	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 6	Senate Bill No. 676
Senate Bill No. 32	Senate Bill No. 877
Senate Bill No. 69	Senate Bill No. 878
Senate Bill No. 70	Senate Bill No. 882
Senate Bill No. 200	Senate Bill No. 982
Senate Bill No. 247	Senate Bill No. 1037
Senate Bill No. 312	Senate Joint Resolution No. 29
Senate Bill No. 424	Assembly Bill No. 34
Senate Bill No. 535	Assembly Bill No. 1242
Senate Bill No. 536	Assembly Bill No. 1542
Senate Bill No. 538	Assembly Joint Resolution No. 40
Senate Bill No. 634	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

QUINN, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Natural Resources**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 37	Senate Bill No. 836
Senate Bill No. 110	Senate Bill No. 859
Senate Bill No. 246	Senate Bill No. 894
Senate Bill No. 316	Senate Bill No. 938
Senate Bill No. 360	Senate Bill No. 939
Senate Bill No. 370	Senate Bill No. 940
Senate Bill No. 540	Senate Bill No. 1038
Senate Bill No. 559	Senate Bill No. 1065
Senate Constitutional Amendment No. 18	
Senate Joint Resolution No. 4	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

FLETCHER, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 1072	Senate Bill No. 1204
Senate Bill No. 1189	Senate Bill No. 1207
Senate Bill No. 1200	Senate Bill No. 1294
Senate Bill No. 1202	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

FLETCHER, Chairman

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, June 15, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 33	Senate Bill No. 1017
Senate Bill No. 74	Senate Bill No. 305
Senate Bill No. 183	Senate Bill No. 410
Senate Bill No. 219	Senate Bill No. 580
Senate Bill No. 292	Senate Bill No. 755
Senate Bill No. 309	Senate Bill No. 832
Senate Bill No. 526	Senate Bill No. 933
Senate Bill No. 653	Assembly Bill No. 706
Senate Bill No. 831	Assembly Bill No. 993
Senate Bill No. 1010	Assembly Bill No. 1928
Senate Bill No. 1016	Assembly Bill No. 2134
Senate Constitutional Amendment No. 15	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

COLLIER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Public Utilities**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 810	Senate Bill No. 1220
Senate Bill No. 821	Senate Bill No. 1221
Senate Bill No. 929	Senate Bill No. 1222
Senate Bill No. 1043	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

PARKMAN, Chairman

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 13	Senate Bill No. 757
Senate Bill No. 31	Senate Bill No. 763
Senate Bill No. 34	Senate Bill No. 791
Senate Bill No. 65	Senate Bill No. 891
Senate Bill No. 66	Senate Bill No. 904
Senate Bill No. 95	Senate Bill No. 905
Senate Bill No. 164	Senate Bill No. 968
Senate Bill No. 201	Senate Bill No. 1035
Senate Bill No. 239	Senate Bill No. 1040
Senate Bill No. 244	Senate Bill No. 1073
Senate Bill No. 278	Senate Bill No. 1183
Senate Bill No. 317	Senate Bill No. 1184
Senate Bill No. 354	Senate Bill No. 1185
Senate Bill No. 439	Senate Bill No. 1217
Senate Bill No. 665	Senate Bill No. 1218
Senate Bill No. 671	Senate Bill No. 1230
Senate Constitutional Amendment No. 8	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MIXTER, Chairman

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 2176  
 Assembly Bill No. 712  
 Assembly Constitutional Amendment No. 19

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MIXTER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

**Committee on Social Welfare**

SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 17	Senate Bill No. 1085
Senate Bill No. 218	Senate Bill No. 1089
Senate Bill No. 505	Senate Bill No. 1090
Senate Bill No. 699	Senate Bill No. 1094
Senate Bill No. 867	Senate Bill No. 1095
Senate Bill No. 988	Senate Bill No. 1096
Senate Bill No. 1075	Senate Bill No. 1097
Senate Bill No. 1077	Senate Bill No. 1098
Senate Bill No. 1081	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MAYO, Chairman



## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 1099	Senate Bill No. 1203
Senate Bill No. 1100	Senate Bill No. 1208
Senate Bill No. 1116	Senate Bill No. 1227
Senate Bill No. 1170	Senate Bill No. 1254
Senate Bill No. 1192	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MAYO, Chairman

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 23	Assembly Bill No. 614
Assembly Bill No. 125	Assembly Bill No. 615
Assembly Bill No. 201	Assembly Bill No. 705
Assembly Bill No. 460	Assembly Bill No. 1627
Assembly Bill No. 461	Assembly Bill No. 1689
Assembly Bill No. 462	Assembly Bill No. 1126
Assembly Bill No. 483	Assembly Joint Resolution No. 10
Senate Constitutional Amendment No. 4	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MAYO, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## Committee on Transportation

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 86	Senate Bill No. 785
Senate Bill No. 146	Senate Bill No. 807
Senate Bill No. 147	Senate Bill No. 808
Senate Bill No. 184	Senate Bill No. 824
Senate Bill No. 185	Senate Bill No. 833
Senate Bill No. 186	Senate Bill No. 858
Senate Bill No. 187	Senate Bill No. 890
Senate Bill No. 262	Senate Bill No. 892
Senate Bill No. 306	Senate Bill No. 898
Senate Bill No. 327	Senate Bill No. 920
Senate Bill No. 374	Senate Bill No. 921
Senate Bill No. 430	Senate Bill No. 922
Senate Bill No. 445	Senate Bill No. 943
Senate Bill No. 514	Senate Bill No. 948
Senate Bill No. 548	Senate Bill No. 951
Senate Bill No. 597	Senate Bill No. 1001
Senate Bill No. 598	Senate Bill No. 1007
Senate Bill No. 609	Senate Bill No. 1025
Senate Bill No. 613	Senate Bill No. 1028
Senate Bill No. 647	Senate Bill No. 1059
Senate Bill No. 744	Assembly Bill No. 325
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Senate Bill No. 750	Assembly Bill No. 1340
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Senate Bill No. 765	Assembly Bill No. 1715
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Senate Bill No. 768	Assembly Bill No. 2218
Senate Bill No. 769	Assembly Concurrent Resolution No. 34
Senate Bill No. 782	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McCORMACK, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 1064

Senate Bill No. 1199

Senate Bill No. 1190

Senate Bill No. 1223

Senate Bill No. 1198

Senate Constitutional Amendment No. 9

Senate Joint Resolution No. 13

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McCORMACK, Chairman

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 27

Senate Resolution No. 146

Senate Resolution No. 34

Senate Concurrent Resolution No. 2

Senate Resolution No. 40

Senate Concurrent Resolution No. 10

Senate Resolution No. 67

Senate Concurrent Resolution No. 15

Senate Resolution No. 107

Senate Concurrent Resolution No. 20

Senate Resolution No. 116

Senate Concurrent Resolution No. 21

Senate Resolution No. 126

Senate Concurrent Resolution No. 23

Senate Resolution No. 132

Assembly Concurrent Resolution No. 20

Senate Resolution No. 141

Assembly Concurrent Resolution No. 32

Senate Resolution No. 145

Assembly Joint Resolution No. 1 (Nevada)

Assembly Constitutional Amendment No. 27

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SEAWELL, Chairman

Above reported Assembly resolutions ordered transmitted to the Assembly.

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 29

Senate Concurrent Resolution No. 24

Senate Concurrent Resolution No. 32

Senate Resolution No. 149

Senate Concurrent Resolution No. 43

Senate Resolution No. 152

Senate Concurrent Resolution No. 48

Senate Resolution No. 161

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SEAWELL, Chairman

## Committee on Water Resources

## SENATE CHAMBER, SACRAMENTO, June 16, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 667

Senate Bill No. 687

Senate Bill No. 678

Senate Bill No. 801

Senate Bill No. 679

Senate Bill No. 896

Senate Bill No. 680

Senate Bill No. 897

Senate Bill No. 682

Senate Bill No. 1027

Senate Bill No. 683

Assembly Bill No. 841

Senate Bill No. 684

Senate Concurrent Resolution No. 64

Senate Bill No. 685

Assembly Joint Resolution No. 46

Senate Bill No. 686

Assembly Joint Resolution No. 53

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

JESPERSEN, Chairman

Above reported Assembly bill ordered transmitted to the Assembly.

## MOTION TO APPROVE SENATE JOURNAL

Senator Seawell moved that The Senate Journals of Monday, June 11, 1945, Tuesday, June 12, 1945, Wednesday, June 13, 1945, Thursday, June 14, 1945, and Friday, June 15, 1945, approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

**MOTION TO APPROVE MINUTES**

Senator Seawell moved that the minutes of this day, June 16, 1945, were read, and approved as read.

Motion carried.

**APPOINTMENTS OF SENATORS BY LIEUTENANT GOVERNOR TO PRESENT AFFIRMATIVE AND NEGATIVE ARGUMENTS ON CONSTITUTIONAL AMENDMENTS SUBMITTED BY THE SENATE****Senate Constitutional Amendment No. 11:**

Senators Rich and DeLap—Affirmative argument.

Senator Hulse—Negative argument.

**Senate Constitutional Amendment No. 13:**

Senators Dilworth and Mayo—Affirmative argument.

No one appointed for the negative argument, as there were no votes cast against the amendment.

**Senate Constitutional Amendment No. 16:**

Senators Fletcher and Breed—Affirmative argument.

No one appointed for the negative argument, as there were no votes cast against the amendment.

**Senate Constitutional Amendment No. 17:**

Senators Tenney and Burns—Affirmative argument.

No one appointed for the negative argument, as there were no votes cast against the amendment.

**Senate Constitutional Amendment No. 22:**

Senators Judah and Salsman—Affirmative argument.

Senator Jespersen—Negative argument.

**MOTION TO ADJOURN**

Senator Seawell moved that, pursuant to Senate Concurrent Resolution No. 53, the Fifty-sixth Session do now adjourn sine die.

Motion carried.

**FINAL ADJOURNMENT**

Whereupon, at 3 p.m., the President of the Senate declared the Fifty-sixth Session of the Senate of the State of California adjourned sine die.

JOHN F. LEA, Minute Clerk





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